











# RESOLVES

OF

## THE GENERAL COURT

OF THE

### Commonwealth of Massachusetts,

PASSED AT THE SEVERAL SESSIONS,

COMMENCING, JANUARY, 1832, AND ENDING, APRIL, 1834.

Published agreeably to a Resolve of the sixteenth January, 1812.

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**Boston:**

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

1834.



# RESOLVES

OF

## THE GENERAL COURT

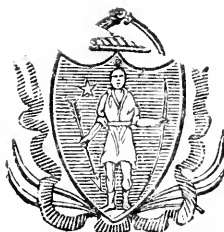
OF THE

### Commonwealth of Massachusetts,

PASSED AT THEIR SESSION,

WHICH COMMENCED ON WEDNESDAY, THE FOURTH OF JANUARY, AND ENDED ON  
SATURDAY, THE TWENTY-FOURTH OF MARCH, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY TWO.

Published agreeably to a Resolbe of the sixteenth January, 1812.



**Boston:**

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

1832.



# **CIVIL GOVERNMENT**

OF THE

**Commonwealth of Massachusetts,**

FOR THE POLITICAL YEAR 1832.

---

HIS EXCELLENCY

**LEVI LINCOLN, ESQUIRE,**

**GOVERNOR.**

---

HIS HONOR

**THOMAS L. WINTHROP, ESQ.**

**LIEUTENANT GOVERNOR.**

---

COUNCIL.

**HON. JOSIAH J. FISKE,**  
“ **HENRY HUBBARD,**  
“ **LUKE FISKE,**  
“ **JOSEPH BOWMAN,**  
“ **HOWARD LOTHROP,**  
“ **ELIJAH SWIFT,**  
“ **PATRICK BOISE,**  
“ **JOHN C. GRAY,**  
“ **WILLIAM FERSON.**

---

**EDWARD D. BANGS, ESQUIRE,**

*Secretary of the Commonwealth.*

**HEZEKIAH BARNARD, ESQ.**

*Treasurer and Receiver General of the Commonwealth.*

## **SENATE.**

---

**HON. WILLIAM THORNDIKE,**  
PRESIDENT.

---

### **SUFFOLK DISTRICT.**

Hon. Charles Wells,	Hon. James C. Merrill,
Alexander H. Everett,	Otis Everett,
James T. Austin,	Benj. T. Pickman.

### **ESSEX DISTRICT.**

Hon. Leverett Saltonstall,	Hon. Ebenezer Bradbury,
William Thorndike,	William Johnson, Jr.
Elias Putnam,	Robert Cross.

### **MIDDLESEX DISTRICT.**

Hon. Elihu Cutler,	Hon. Nathaniel Austin,
Daniel Richardson,	Francis Winship.
Samuel Hoar, Jr.	

### **PLYMOUTH DISTRICT.**

Hon. Benjamin Ellis,	Hon. Gershom B. Weston.
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### **NORFOLK DISTRICT.**

Hon. Joseph Hawes,	Hon. Samuel P. Loud.
John Endicott,	

### **BRISTOL DISTRICT.**

Hon. Nathan C. Brownell,	Hon. Samuel French.
Ebenezer Daggett,	

## WORCESTER DISTRICT.

Hon. John W. Lincoln,      Hon. James Draper,  
David Wilder,              Rufus Bullock.  
William S. Hastings,

## HAMPSHIRE DISTRICT.

Hon. Chauncey Clark,      Hon. Joseph Cummings,

## HAMPDEN DISTRICT.

Hon. Enos Foote,              Hon. John Wyles.

## FRANKLIN DISTRICT.

Hon. Elihu Hoyt,              Hon. Enos Smith.

## BERKSHIRE DISTRICT.

Hon. Wilbur Curtis,              Hon. Russell Brown.

## BARNSTABLE DISTRICT.

Hon. John Doane.

## NANTUCKET DISTRICT.

Hon. Barker Burnell.

---

CHARLES CALHOUN, *Clerk.*  
W. P. GRAGG, *Assistant Clerk.*  
REV. F. W. P. GREENWOOD, *Chaplain.*  
CHARLES C. CUTTING, *Page.*

# HOUSE OF REPRESENTATIVES.

---

HON. WILLIAM B. CALHOUN,  
SPEAKER.

---

## COUNTY OF SUFFOLK.

*Boston,*

Samuel Austin, Jr.  
Cyrus Alger,  
Samuel Aspinwall,  
George Blake,  
James Bowdoin,  
John P. Bigelow,  
Francis Brinley, Jr.  
Daniel Baxter, Jr.  
Levi Brigham,  
Joseph T. Buckingham,  
David L. Child,  
Jabez Ellis,  
Luther Faulkner,  
Joshua B. Flint,  
Henry H. Fuller,  
Daniel L. Gibbens,  
Charles G. Greene,  
George Hallet,  
Nathaniel Hammond,  
Richard D. Harris,  
Prentiss Hobbs,  
James L. Homer,



*Boston,*

Edmund Kimball,  
Winslow Lewis,  
Joseph Lewis,  
William Lawrence,  
Charles Lincoln,  
Eben. H. Little,  
Daniel Messenger,  
Thomas Motley,  
John B. M'Cleary,  
Thomas Minns,  
David Moody,  
Thomas Melvill,  
William F. Otis,  
William Parker,  
Thomas W. Phillips,  
Abel Phelps,  
John S. Perkins,  
Edward G. Prescott,  
Edward A. Raymond,  
James Ridgway,  
Benjamin Russell,  
Jeffrey Richardson,  
William Ritchie,  
Simon W. Robinson,  
William Sturgis,  
John B. Wells,  
John Wheelwright,  
Redford Webster,  
Henry Williams,  
Aaron Willard, Jr.

*Chelsea,*

## COUNTY OF ESSEX.

*Amesbury,*

Lowell Bagley,

<i>Amesbury,</i>	Joshua Colby, Jr.
	Thomas Bailey,
<i>Andover,</i>	Samuel Merrill,
	Amos Spaulding,
<i>Beverly,</i>	Robert Rantoul,
<i>Boxford,</i>	Charles Peabody,
<i>Bradford,</i>	Jesse Kimball,
	George Savary,
<i>Danvers,</i>	John Preston,
	John Page,
	Nathan Poor,
	Jonathan Shove,
<i>Essex,</i>	
<i>Gloucester,</i>	Gorham Babson,
	James Goss,
	Samuel Giles,
	Samuel Gilbert,
	George Haskell,
	Nehemiah Knowlton,
	Samuel Lane,
	Aaron Plumer,
<i>Hamilton,</i>	Azor Brown,
<i>Haverhill,</i>	Ephraim Corliss,
	James Davis,
	Thomas G. Farnsworth,
	Caleb B. Le Bosquet,
<i>Ipswich,</i>	Josiah Caldwell,
	Joseph Dennis,
	Stephen Pearson,
<i>Lynn,</i>	William B. Breed,
	Jonathan Buffum,
	Joseph Currier,
	Jacob Ingalls,

<i>Lynn,</i>	Francis C. Newhall, Stephen Oliver, Eleazer C. Richardson, Bowman Viles, John W. Allen, Joshua O. Bowden, William Hawkes, Samuel Knight, Robert Orne, Frederick Robinson, John Russ, Ephraim Fuller, Joseph Gerrish, Moses Pettingell, William S. Allen, Charles H. Balch, Thomas M. Clark, William Davis, William Faris, Moses P. Parish, Thomas Payson, Holton J. Breed, Nathaniel Frothingham, William Mansfield, Stephen C. Phillips, William Ropes, Jacob B. Winchester, Reuben Evans, John Colby, Joseph Cheever, Jacob Towne, Jr. Moses Foster, Daniel Emery,
<i>Lynnfield,</i>	
<i>Manchester,</i>	
<i>Marblehead,</i>	
<i>Methuen,</i>	
<i>Middleton,</i>	
<i>Newbury,</i>	
<i>Newburyport,</i>	
<i>Rowley,</i>	
<i>Salem,</i>	
<i>Salisbury,</i>	
<i>Saugus,</i>	
<i>Topsfield,</i>	
<i>Wenham,</i>	
<i>West Newbury,</i>	

## COUNTY OF MIDDLESEX.

<i>Acton,</i>	Francis Tuttle,
<i>Ashby,</i>	Cushing Burr, Jr.,
<i>Bedford,</i>	Amos Hartwell,
<i>Billerica,</i>	Josiah Rogers,
<i>Brighton,</i>	Daniel Austin,
<i>Burlington,</i>	William Winn,
<i>Cambridge,</i>	Amasa Davis,
	James Hayward,
	Samuel King,
	Josiah Mason, Jr.,
	William J. Whipple,
	Thomas Whittemore,
<i>Carlisle,</i>	Cyrus Heald,
<i>Charlestown,</i>	Edward Cutter,
	John Harris,
	Oliver Holden,
	Lot Pool,
	John Sweetser,
	Daniel Tufts,
<i>Chelmsford,</i>	Charles Bent,
<i>Concord,</i>	Joseph Barrett,
	John Keyes,
<i>Dracut,</i>	Joseph B. Varnum,
<i>Dunstable,</i>	Temple Kendall,
<i>East Sudbury,</i>	Isaac Gleason,
<i>Framingham,</i>	Luther Belknap,
<i>Groton,</i>	John Boynton,

<i>Groton,</i>	John Rockwood,
<i>Holliston,</i>	John Haven,
	Abner Johnson,
<i>Hopkinton,</i>	Samuel B. Walcott,
<i>Lexington,</i>	Ambrose Morell,
	Charles Reed,
<i>Lincoln,</i>	George Russell,
<i>Littleton,</i>	Joel Marshall,
<i>Lowell,</i>	Ebenezer Appleton,
	Seth Ames,
	Maynard Bragg,
	William Davidson,
	Willard Guild,
	Artemas Holden,
	Oliver M. Whipple,
<i>Malden,</i>	Lemuel Cox,
	James Crane,
<i>Marlborough,</i>	Levi Bigelow,
<i>Medford,</i>	John Sparrell,
<i>Natick,</i>	
<i>Newton,</i>	Matthias Collins,
	John Kenrick,
<i>Pepperell,</i>	Abel Jewett,
<i>Reading,</i>	John Bachelder,
	Warren Parkins,
<i>Sherburne,</i>	Calvin Sanger,
<i>Shirley,</i>	
<i>South Reading,</i>	Lilley Eaton,
	Lemuel Sweetser,
<i>Stoneham,</i>	Peter Hay,
<i>Stow &amp; Boxboro',</i>	James B. Brown.
	Lyman Bigelow,
<i>Sudbury,</i>	John Hunt,
<i>Tewksbury,</i>	Jonathan Clark,

## 12 HOUSE OF REPRESENTATIVES.

<i>Tewksbury,</i>	Alpheus Smith,
<i>Townsend,</i>	Paul Gerrish,
<i>Tyngsborough,</i>	Joseph Butterfield,
<i>Waltham,</i>	Jonas Clark,
	John Viles,
<i>Watertown,</i>	Charles Bemis,
	Levi Thaxter,
<i>West Cambridge,</i>	Benjamin Locke,
<i>Westford,</i>	
<i>Weston,</i>	Samuel Hobbs,
<i>Wilmington,</i>	
<i>Woburn,</i>	Samuel Abbott,
	Joseph Gardner,
	Stephen Nichols.

## COUNTY OF WORCESTER.

<i>Ashburnham,</i>	Nathaniel Pierce,
	Hosea Stone,
<i>Athol,</i>	Eliphalet Thorp,
<i>Barre,</i>	Archibald Black,
	Gardner Ruggles,
<i>Berlin,</i>	Jonathan D. Merriam,
<i>Bolton,</i>	Barnard Nurse,
<i>Boylston,</i>	Ward Cotton,
<i>Brookfield,</i>	Jesse Bliss,
	Rufus Harrington,
	Abraham Skinner,
<i>Charlton,</i>	Issachar Comins,
	Ebenezer White,
<i>Dana,</i>	Reuben Sibley,
<i>Douglas,</i>	David Holman,
<i>Dudley,</i>	George A. Tufts,
	Abiel Williams,

<i>Fitchburg,</i>	Ebenezer Torrey,
<i>Gardner,</i>	Zachariah Sheldon,
<i>Grafton,</i>	Timothy Heywood,
<i>Hardwick,</i>	Harry Wood,
<i>Harvard,</i>	Samuel Wood,
<i>Holden,</i>	Moses Allen,
<i>Hubbardston,</i>	Asa Broad,
<i>Lancaster,</i>	Samuel Daman,
<i>Leicester,</i>	Henry Prentiss,
<i>Leominster,</i>	Moses Waite,
<i>Lunenburg,</i>	John G. Thurston,
<i>Mendon,</i>	John Hobart,
<i>Milford,</i>	John King,
<i>Millbury,</i>	Wilder Carter,
<i>New Braintree,</i>	Carter Gates,
<i>Northborough,</i>	Caleb V. Allen,
<i>Northbridge,</i>	Lebbeus Gaskill,
<i>North Brookfield,</i>	Daniel Thurber,
<i>Oakham,</i>	William M. Benedict,
<i>Oxford,</i>	Elijah Waters,
<i>Paxton,</i>	Jotham Bartlett,
<i>Petersham,</i>	Sylvanus Holbrook,
<i>Phillipston,</i>	Jonathan Cary,
	Washington Allen,
	Ira Barton,
	Alexander De Witt,
	Tyler Goddard,
	Joseph Gallond,
	Micajah Reed,
	Abel White,

<i>Princeton,</i>	Charles Russell,
<i>Royalston,</i>	Benjamin Brown,
<i>Rutland,</i>	Joseph King,
<i>Shrewsbury,</i>	Nymphas Pratt,
<i>Southboro'</i>	Dexter Fay,
<i>Southbridge,</i>	Larkin Ammidown,
	Oliver Hooker,
<i>Spencer,</i>	Rufus Adams,
<i>Sterling,</i>	Jacob Conant,
	Thomas Wright,
<i>Sturbridge,</i>	James Johnson,
	Thomas Merrick,
<i>Sutton,</i>	Joshua Armsby,
	Reuben Waters,
<i>Templeton,</i>	Leonard Stone,
<i>Upton,</i>	Elisha Fisk,
<i>Uxbridge,</i>	Joseph Day,
	George Willard,
<i>Ward,</i>	Zebulon Cary,
<i>Westborough,</i>	Nahum Harrington,
	Joshua Mellen,
<i>West Boylston,</i>	Silas Newton,
<i>Western,</i>	Pardon Allen,
<i>Westminster,</i>	Charles Hudson,
	Cyrus Winship,
<i>Winchendon,</i>	William Brown,
<i>Worcester,</i>	Luther Burnet, jr.
	Lewis Bigelow,
	Otis Corbet,
	Jubal Harrington,
	Nathaniel Stowell,



## COUNTY OF HAMPSHIRE.

<i>Amherst,</i>	Oliver Dickinson, 2d,
<i>Belchertown,</i>	John Leland,
<i>Chesterfield,</i>	Justus Forward,
<i>Cummington,</i>	Dyar Bancroft,
<i>Easthampton,</i>	Jonathan Dawes,
<i>Enfield,</i>	John Ludden,
<i>Granby,</i>	Thomas Cary,
<i>Goshen,</i>	Samuel Ayres,
<i>Greenwich,</i>	Thomas Smith,
<i>Hadley,</i>	Charles P. Phelps,
<i>Hatfield,</i>	Remembrance Bardwell,
<i>Middlefield,</i>	Matthew Smith, jr.
<i>Northampton,</i>	Samuel Parsons,
	Jonathan Strong,
	Oliver Warner,
	Eliphalet Williams,
<i>Norwich,</i>	Joseph Stanton,
<i>Pelham,</i>	Ziba Cook,
<i>Plainfield,</i>	Erastus Bates,
<i>Prescott,</i>	Simeon Stockwell,
<i>South Hadley,</i>	Hiram Smith,
<i>Southampton,</i>	Elisha Edwards, jr.
<i>Ware,</i>	Homer Bartlett,
	Alexander Brackenridge,
<i>Westhampton,</i>	Samuel Edwards, jr.
<i>Williamsburg,</i>	Samuel Graves,
<i>Worthington,</i>	Jonathan Brewster,

## COUNTY OF HAMPDEN.

<i>Blandford,</i>	Lyman Gibbs,
<i>Brimfield,</i>	David Parks,
<i>Chester,</i>	Issachar Brown,
<i>Granville,</i>	Festus Foster,
<i>Longmeadow,</i>	William Shepherd,
<i>Ludlow,</i>	Samuel Root, <i>on Feb 1844,</i>
<i>Monson,</i>	Seth Taylor,
<i>Montgomery,</i>	Theodore Sikes,
<i>Palmer,</i>	Benjamin Fuller,
<i>Russell,</i>	Oren Parks,
<i>Southwick,</i>	Joseph Lee,
<i>Springfield,</i>	Rolon Parks,
	Amasa Holcomb,
	George Bliss,
	William Child,
	Jonas Coolidge,
	William B. Calhoun,
	Silas Stedman,
<i>Tolland,</i>	Noah Shepherd,
<i>Wales and Holland,</i>	Elbridge G. Fuller,
<i>Westfield,</i>	Elias Cadwell,
	Frederick Fowler, jr.
	Matthew Ives, jr.
<i>West Springfield,</i>	Linus Bagg,
	Warren Chapen,
	Henry Phelon,
	Lewis Warriner,
<i>Wilbraham,</i>	Abraham Avery,
	Sylvanus Stebbins.

## COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Henry Bassett,
<i>Bernardston,</i>	Chester Sanderson,
<i>Buckland,</i>	John Brooks,
<i>Charlemont,</i>	Erastus Taylor,
<i>Colraine,</i>	John Fisher,
	Samuel Pierce,
<i>Conway,</i>	John Wilson,
<i>Deerfield,</i>	Darius Stearns,
	Epaphras Hoyt,
<i>Gill,</i>	Stephen Whitney,
<i>Greenfield,</i>	Josiah Pomroy,
	Alanson Clark,
<i>Hawley,</i>	Thomas Nims,
<i>Heath,</i>	Edmund Longley, jr.
<i>Leverett,</i>	Daniel Gale,
<i>Leyden,</i>	Alpheus Field,
<i>Monroe,</i>	Elisha Chapen,
<i>Montague,</i>	
<i>New Salem,</i>	Jonathan Hartwell,
<i>Northfield,</i>	Ebenezer Torrey,
	Thomas Mason,
<i>Orange,</i>	Isaac Prior,
<i>Rowe,</i>	George Blodget,
<i>Shelburne,</i>	Ebenezer Merrill,
<i>Shutesbury,</i>	Ira Arms,
<i>Sunderland,</i>	Benjamin Winter, jr.
<i>Warwick,</i>	Horace W. Taft,
<i>Wendell,</i>	Lemuel Wheelock,
<i>Whately,</i>	Jonathan Whitaker,
	Thomas Crafts.

## COUNTY OF BERKSHIRE.

*Adams,**Alford,**Becket,**Cheshire,**Clarksburg,**Dalton,**Egremont,**Florida,**Great Barrington,**Hancock,**Hinsdale,**Lanesborough,**Lee,**Lenox,**Mount Washington,**New Ashford,**New Marlboro',**Otis,**Peru,**Pittsfield,*

Thomas Farnam,

Elisha Kingsley,

Isaac W. Hoxie,

James Wilbur,

Hugo Dewey, jr.

Wolcott Chaffee,

Nathaniel Bliss,

Simeon W. Wright,

Joel Crippen,

Grotius Dewey,

Ralph Taylor,

Samuel W. Wilson,

Ichabod Emmons,

Stephen Thacher,

Lyman Judd,

Newton Kasson,

Benjamin Wheeler, jr.

Samuel Pickett,

Cyrus Stowell,

Jonathan Allen, 2d,

Thomas B. Strong,

Jireh Stearns,

Nathan Willis,

*Richmond,*  
*Sandisfield,*

Eleazer Williams,  
Uriel Smith,  
Josiah H. Sage,

*Savoy,*  
*Sheffield,*  
*Stockbridge,*

Horatio L. Warner,  
Isaac Curtis,  
Thaddeus Pomeroy,  
Samuel Fargo, jr.  
Stephen W. Newton,  
Martin Hendrix,  
Ebenezer Emmons,  
Reuben Young,  
Daniel O. Holbrook.

*Tyringham,*  
*Washington,*  
*West Stockbridge,*  
*Williamstown,*

*Windsor,*

## COUNTY OF NORFOLK.

*Bellingham,*  
*Braintree,*

Stephen Metcalf,  
Isaac Dyer,  
Minot Thayer,

*Brookline,*  
*Canton,*  
*Cohasset,*  
*Dedham,*

James Endicott,  
James C. Doane,  
Horace Mann,  
Richard Ellis,  
Ebenezer Clap,  
Joseph Clap,  
Abel Cushing,  
Benjamin Fuller,  
Henry Hobart,  
Stephen Kingsbury,  
Calvin Richards,  
James Campbell,  
Thomas Hunt,

*Dorchester,*

*Foxborough,*  
*Franklin,*  
*Medfield and Dover,*  
*Milton,*

<i>Medway,</i>	Warren Lovering,
<i>Needham,</i>	Joseph L. Richardson,
<i>Quincy,</i>	Rufus Mills,
<i>Randolph,</i>	Edward Glover,
<i>Roxbury,</i>	John Souther,
	David Blanchard,
	Joshua Spear, jr.
	John Champney,
	Isaac Davis,
	Jonathan Dorr,
	Samuel J. Gardner,
	Joshua Seaver,
	Jacob Tidd,
<i>Sharon,</i>	Jeremiah Richards,
<i>Stoughton,</i>	Jesse Pierce,
<i>Walpole,</i>	Harvey Clap,
<i>Weymouth,</i>	Lemuel Humphrey,
	Leonard Tirrell,
	Noah Torrey,
<i>Wrentham,</i>	Allen Tillinghast.

## COUNTY OF BRISTOL.

<i>Attleborough,</i>	Abijah M. Ide,
<i>Berkley,</i>	Adoniram Crane,
<i>Dartmouth,</i>	Bradford Howland,
<i>Dighton,</i>	Nehemiah Walker,
	David Hathaway,
<i>Easton,</i>	Elijah Howard, jr.
<i>Fairhaven,</i>	Warren Delano,
	Sampson Perkins,
	Joseph Whelden,
<i>Freetown,</i>	George Perkins,
<i>Mansfield,</i>	Elkanah Bates,

*New Bedford,*

John Burrage,  
Thomas A. Greene,  
Edmund Gardner,  
Charles W. Morgan,  
Thomas Mandell,  
Benjamin Lincoln,  
Pardon Tillinghast,

*Norton,*

Asa Arnold,  
Remember Kent,

*Pawtucket,*

Ellis Hall,

*Raynham,*

Lloyd Bosworth,

*Rehoboth,*

Nathaniel Reed,

*Seekonk,*

Seth Whitmarsh,

*Somerset,*

Wheaton Luther,

*Swansey,*

John Earle,

Benajah Mason,

*Taunton,*

Samuel Crocker,

*Troy,*

Simeon Borden,

Barnabas Blossom,

Anthony Mason,

Azariah Shove,

*Westport,*

Jonathan Davis,

Abner B. Gifford,

James H. Handy.

## COUNTY OF PLYMOUTH.

*Abington,*

James Bates,

John Cushing,

Micah Pool,

*Bridgewater,*

Samuel Leonard, jr.

Holmes Sprague,

*Carver,*

Thomas Cobb,

*Duxbury,*

Gershom Bradford,

<i>East Bridgewater,</i>	Joseph Chamberlin, jr.
	Azor Harris,
<i>Halifax,</i>	Zadock Thomson,
<i>Hanover,</i>	Horatio Cushing,
<i>Hanson,</i>	
<i>Hingham,</i>	Thomas Loring,
	Marshall Lincoln,
	Nicholas B. Whitney,
<i>Hull,</i>	
<i>Kingston,</i>	Spencer Bradford,
<i>Marshfield,</i>	John Ford, jr.
	Edward P. Little,
<i>Middleboro',</i>	Bradford Harlow,
	Tisdale Lincoln,
	Nathaniel Staples,
	Reland Tinkham,
	Benjamin P. Wood,
	Luther Washburn,
<i>North Bridgewater,</i>	Fliphalet Kingman,
	Jesse Perkins,
<i>Pembroke,</i>	
<i>Plymouth,</i>	Barnabas Hedge,
<i>Plympton,</i>	Jonathan Parker,
<i>Rochester,</i>	Charles J. Holmes,
	Ebenezer Holmes,
	Amittai B. Hammond,
<i>Scituate,</i>	Edward F. Jacobs,
	Peleg Jenkins,
	Cushing Otis,
<i>Wareham,</i>	Thomas Savery,
<i>West Bridgewater,</i>	Samuel Dunbar.



## COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Henry Crocker, David Hinkley, William Lewis, Charles Marston,
<i>Brewster,</i>	Elijah Cobb,
<i>Chatham,</i>	Joshua Nickerson, Joseph Young,
<i>Dennis,</i>	John Baker, Oren Howes,
<i>Eastham,</i>	Michael Collins,
<i>Falmouth,</i>	Thomas Fish,
<i>Harwich,</i>	James Long, Sidney Underwood,
<i>Orleans,</i>	Elisha Cole, John Kenrick,
<i>Provincetown,</i>	Isaac Small,
<i>Sandwich,</i>	Benjamin Burgess, Shadrack Freeman, Elisha Pope,
<i>Truro,</i>	James Small, John Kenny,
<i>Wellfleet,</i>	Joseph Holbrook, 3d, Benjamin R. Witherell,
<i>Yarmouth,</i>	James Crowell, Joseph White.

## DUKES' COUNTY.

*Chilmark,*  
*Edgartown,*  
*Tisbury,*

Smith Mayhew,  
Leavitt Thaxter,  
Eliakim Norton.

## COUNTY OF NANTUCKET.

*Nantucket,*

John C. Briggs,  
David Baxter,  
Isaac Folger.

---

LUTHER S. CUSHING, *Clerk.*

---

REV. RALPH W. EMERSON, }  
REV. HOWARD MALCOM, } *Chaplains.*

JACOB KUHN, *Messenger to the General Court.*

ELIJAH W. CUTTING, *Assistant Messenger.*

FRANCIS PITTS, *Page.*

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**RESOLVES**

OF

**THE GENERAL COURT**

OF THE

**COMMONWEALTH OF MASSACHUSETTS.**

PASSED AT THEIR SESSION,

WHICH COMMENCED ON WEDNESDAY, THE FOURTH OF JANUARY, AND ENDED ON SATURDAY, THE TWENTY-FOURTH OF MARCH, ONE THOUSAND EIGHT HUNDRED AND THIRTY TWO.

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**GOVERNOR'S MESSAGE.**

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*His Excellency the Governor sent down from the Council Chamber, by the Secretary of the Commonwealth, to the Senate and House of Representatives, the following*

**MESSAGE :**

*Gentlemen of the Senate and  
of the House of Representatives :*

The suffrages of my Fellow Citizens having again called me to the executive duties of the Government,

it no less becomes the present occasion for addressing their immediate Representatives, than it is demanded by a sentiment of respectful and deep-felt gratitude, that I should thus publicly express a sense of the honor which the recent manifestation of their continued favor and confidence has conferred upon me. The obligations which it imposes are indeed of anxious and fearful responsibility, not to be satisfied with the language of acknowledgement merely, but requiring the exercise of the best powers of the understanding, the aids of observation and experience, freedom from personal and party considerations, a diligent investigation of the interests of the Commonwealth, patient labor, and a faithful devotion of time and thought to the service of the State. Looking for support and assistance to my official advisers, and confidently relying upon harmony and co-operation in all Branches of the Government, I enter upon the Office assigned me, and whatever an honest purpose, exclusively regardful of the dictates of duty, can contribute to success and acceptance in its administration, is renewedly pledged, in humble dependence upon the blessing of Heaven, to the discharge of the trust.

The objects of a Representative Government are happily expressed in that Article of the Bill of Rights, which enjoins the frequent assembling of the Legislature, "for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require." In a review of the present condition of the Commonwealth, it will not fail to be recognized as a subject for the truest congratulation, that so few of the first and highest purposes of legislation remain to be accomplished. For a period of almost half a Century from the adoption of our State Constitution, we were directed by the personal counsels

of those great and good men, who, having assisted in achieving the independence of the nation, secured the enjoyment of the blessings of Civil Liberty in this Commonwealth, by the establishment of a republican form of Government, the enactment of just and equal laws, and in laying the foundation of Institutions for instruction and learning among the people. And now that these Fathers and Founders of the Republic have passed, or are fast passing away, it devolves upon their Descendants to cherish the principles, and practise the virtues of their Ancestors, and thus, in their own day, preserve and improve the rich inheritance of freedom and happiness, which has been transmitted to them, in trust, for posterity.

Various subjects, which demand the attention of the Legislature, will give to the present session unusual interest and importance. Besides the ordinary business of revising and modifying the Laws, or enacting new ones, to conform to the multiplied and ever-changing concerns of an enterprising and prosperous community, the delicate and difficult task of settling the decennial valuation of the ratable property of the Commonwealth, (a work already in the progress of preparation) must, at this time, be completed ; and the obligation is consequent upon it, of districting the State, and, upon this basis of valuation, apportioning the representation in the first Branch of the Legislature, in accordance with the provisions of the Constitution. In subserviency to the necessary and immediate action of Congress, under the Constitution of the United States, in fixing the apportionment of Representatives in that Body upon the returns of the last Census, it will doubtless become a duty to district the Commonwealth, for the choice of such number of Representatives as may fall to the proportion of Massachusetts. The ear-

ly recurrence of the period for a new Election of President and Vice President, brings with it the occasion, also, for prescribing the mode in which the sentiments of the people may be expressed upon this question of exciting and absorbing moment. In all these measures, there is surely enough to engage the anxious thoughts of the reflecting and faithful Representative. They involve the highest interests, the most important rights, the dearest privileges of every Constituent, for, by the determination of them, the contributions to the support of Government, and the measure of influence which each individual Citizen may have in the administration of it, will be directly affected.

In the passage of a Law relating to the Election of Representatives to Congress, I would respectfully recommend, that the time for the Returns of Votes should be much more restricted than at present. The period of forty days, allowed by the last Statute, is longer than convenience requires for their transmission from the most remote places in the Commonwealth, and the delay which is thus occasioned in their official examination, in cases where no choice has been effected, may so far postpone renewed ballotings, as to deprive the State of a portion of her Representation in the Councils of the Nation. To this prejudice she is now, indeed, unfortunately subjected, in an important crisis of her interests, from a failure, upon repeated trials, to elect members in two of the Districts, and, should a vacancy providentially happen during a Session of Congress, its continuance for a long time under the provisions of the present law, would be unavoidable, however desirable it might be, or ready the people were, immediately to supply it. The Executive Precept for an Election must necessarily conform to the statute authority under which it is issued, and experi-

ence has abundantly shewn, that all the Returns from a District will rarely be received in anticipation of the legal requirement. I deem it even worthy of your inquiry and consideration, whether, in special reference to the vacancies which now exist, and the situation of the Districts to which I have referred, an amendment of the law at this time, in such manner as to enjoin the Returns in the shortest reasonable opportunity after casting the votes, is not expedient. At no period in our public affairs has it seemed to me to be more interesting, that the State should be fully represented, and the weight of its influence felt in the measures of the General Government.

There is yet another subject of very general expectation, which will press with weight upon the responsibility of this Legislature ; that of an Amendment of the State Constitution in relation to the popular Branch of the Government. While this measure, in some form which shall effect a reduction of the number of Representatives, has been long called for, with scarce a divided sentiment upon its necessity, among the people, it has hitherto failed, through differences of opinion within these Halls, as to the shape in which it should be presented for their adoption. The unusually full delegation, at the present time, may be received as no equivocal evidence of the solicitude with which your deliberations, upon the plan proposed by your immediate predecessors, will be regarded. Without presuming to anticipate the result, I cannot forbear to express an earnest and confiding hope, that in arriving at it, the great principles of political Justice, and the equal rights of all the Citizens, may be kept prominently in view, so that neither the over excited jealousy of local interests, nor the exclusiveness of personal considerations, shall be permitted to interfere with that form and extent of modification, which the public

good requires. Manifold as are the existing inconveniences, it were far better, that they should be longer suffered, than that, by partial and unsatisfactory alterations in the frame of Government, inducements should be held out to constant change. The true basis of a Republic is in the equal rights of the people, and the more nearly a system of representation shall be made to express this equality, the more perfect it will be. All other arrangements are purely arbitrary, or the result of compromise in the formation of the civil compact. To secure to one Citizen an exercise of the privilege of suffrage in the election of public Agents, more frequently, or in a higher degree, than it is allowed to another, under a similarity of political circumstances, and with no other reference in the discrimination, than to the mere accident of residence, may comport with the terms of such compromise, but would practically violate the essential relation of Representative to Constituent, which can only exist, where trust is reposed by the one, and corresponding obligation and responsibility are created on the part of the other. How far any of the provisions of the pending Amendment are liable to objections resulting from such considerations, or how effectual the reduction which it proposes, would be, to remove the inconveniences of a cumbrous representation, is peculiarly your province to determine. The Amendment having passed one Legislature, in accordance with the mode prescribed in the Constitution, must now be taken or rejected, as it is. Coming as you do, upon a recent election, from every part of the Commonwealth, you bring with you that knowledge of public opinion which must be decisive upon the question. Should this be adverse to its acceptance, it may still reasonably be expected, that the investigation and discussion which the subject must re-



ceive, will give rise to a proposition less imperfect, and better conforming to the sentiments which may be represented here. Relief, universally demanded, cannot long be denied, and the appeal should never be made in vain to a spirit of wisdom and conciliation to provide it. The present Constitution of the House is felt to be an oppressive and enormous evil, burthening the public revenue, delaying the public business, impairing the certainty and safety of legislation, and fruitful of dissatisfaction and complaint with the administration of the Government.

A Report on the subject of Insolvency and Imprisonment for Debt, with a Bill for the relief of Insolvent Debtors, and the more equal distribution of their effects, prepared by an able and learned Commission instituted under the authority of the Government, were laid before the Legislature of the last political year. These documents were published and distributed among the Members, and probably came within the observation of most of those whom I now have the honor to address. Owing to the short continuance of the session, no legislative action was then had upon them. The original papers, doubtless, remain on the files of the General Court, and I beg to be indulged in calling them, and the interesting subjects which they respect, to your present attention. It must surely be cause for deep regret, that, while the claims of a class of unfortunate and distressed Fellow Citizens to our strongest sympathies, have so long and justly been recognized, no measure of adequate relief has been applied to their condition. The laws of an earlier and harsher age, in unmitigated severity, still press upon them, and Creditors, yet harder than the laws, hold them in fear of perpetual bondage. The misfortunes of Men are oftentimes as far beyond the ken of human foresight, and without their control, as are the convulsions of nature. The elements, disease, false trust in friends, pub-

lic calamities, overwhelm with sudden ruin, and leave from the wreck of substance no prospect, but hopeless inability and the law's poor mercy for unperformed engagements. Thousands there are lost to their families and to the community, through peril of the infliction of punishment for poverty, who, could they have been discharged in the adverse times which befel them, starting with new enterprise in these days of success and general prosperity, would have been restored to the enjoyment of competency and the usefulness of valuable Members of Society. It is this liability to imprisonment for debt, which drags the sinking man to the bottom, and holds him, with a mill-stone's weight, from rising. Refinement of Sentiment, Humanity, and Public Policy alike demand, that this stern feature of an ancient code should be relaxed. It reproaches the Jurisprudence of modern times, casting the dark shadows of a barbarous age, when the living flesh and blood were sold to servitude for the dues of money, over the noonday influences of Christian philanthropy.

Various matters, which are the usual and proper subjects of annual communication, will be presented to you, with the necessary minuteness of detail, in Reports from appropriate Departments, and Agents of the Government. Among these, it will not fail to be distinguished as cause for peculiar gratification, that the condition of the State Prison has at length reached a highly satisfactory point of improvement. Honor to the wisdom, the moral confidence and courage, the determined and persevering purpose of successive Legislatures in a few years past, that, by liberal appropriations from the Treasury to the means of experiment in penitentiary regulation and discipline, a mere *Prison House*, for the physical restraint of the body, has been converted into a *School* of salutary instruction and reform to the minds of the most vicious

and abandoned of our fellow men. The eye of christian hope may now rest with assurance upon the influence of this Institution, in the accomplishment of an object of the truest benevolence. Although but little more than two years have elapsed since the introduction of a new system of employment and control into the Prison, the beneficial effects are already distinctly visible, both within and without the walls. The demeanor of the convicts has been softened and corrected, and from the admonitions afforded here, and the greater terror inspired abroad, commitments have sensibly diminished. Within the last year the number of prisoners was reduced from 290, at its commencement, to 256 at its close. The Directors express the opinion "that crimes of an atrocious character are less frequent than was once the case; and that the majority of the Convicts appear to be inferior in intelligence and information to the average of any class of our Citizens." A most instructive result is also produced by the curious and critical investigations of the Chaplain, into the characters and lives of these miserable men. Of 256 convicts, whom his inquiries respected, he ascertained that 156 were led by intemperance to the commission of the offences for which they suffer; that 182 of the first mentioned number had lived in the habitual neglect and violation of the Sabbath; 82 were permitted to grow up from infancy, without any regular employment; 68 had been truants to their parents while in their minority; 61 could not write, and many were wholly unable to read. The intimate connexion and association of ignorance with vice, of dissoluteness with outrages upon the laws, are here distinctly traced, and furnish an impressive lesson upon the importance of knowledge and temperance to individual welfare and social order, which should give a thrilling excitement to the advancement of

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these objects, in the heart of every virtuous and patriotic citizen and magistrate.

The business operations of the Prison, during the year past, have been conducted with success. The balance of the annual account which, for several of the preceding years, had been found to be large against the Institution, in the exhibit of this year, is diminished to the inconsiderable sum of \$477 41; and against this, even, it should be understood, there are numerous considerations of credit, particularly mentioned in the Reports, which, if they had been taken into the account, would materially and most favorably have affected the result. In 1828, the excess of expenditure was more than 12,000 dollars, in 1829, it was between 7 and 8,000, and, in 1830, it approached to 7,000. There can be but little doubt, that, henceforth, the earnings of the Prison will meet the ordinary expenses of its government and support, and leave something, annually, for repairs and such additional accommodations as utility or convenience may require. The Reports, which will be submitted to you, contain suggestions of the need of alterations in the Hospital, and of a building for the residence of the Warden. The latter seems to be necessary to a compliance, by this officer, with the requisitions of duty, under the existing law; and I recommend that authority should be given by the Legislature for the proposed improvements.

The progress towards the establishment of another Institution of public benevolence, in a Hospital for the Insane, under the authority of a Resolve of the Legislature of the 10th March, 1830, has been as great as the peculiar character of the last season, and the magnitude of the work, would permit. The *exterior* structure of a spacious Edifice for the accommodation of a Superintendent and of one hundred and twenty Lunatics, has been

completed, and the finishing of the *interior* is in such forwardness as will secure the preparation of the building for occupation, in the course of the next summer. From the economy and good management which have been observed by the Commissioners, in the contracts for the work, it is confidently believed, that the expense of erecting the Hospital, in the manner required by the Resolve, will not exceed the appropriation. The plan of the Commissioners, however, embraces a small additional range of strong Lodges, somewhat detached from the principal Building, for the restraint of those persons who may be, either, so furiously mad, or so mischievously disposed, as to endanger their safe keeping, or to disturb the tranquillity of the quiet and convalescent patients; and for this most indispensable arrangement to the good order and successful management of the Institution, as well as for enclosing the grounds, necessary furniture for the Building, and the support of the Establishment; provision remains to be made by the Government. Estimates for these objects have been requested of the Commissioners, for the purpose of being laid before you. It will also devolve upon the Legislature, at the present session, to authorize the removal of such subjects of relief, as are now confined in the Jails and Houses of Correction, in the different Counties, whenever the Hospital shall be prepared for their reception; and likewise to determine, in what manner and on what terms, others of the same class of unhappy Beings, differently situated, may be admitted to the care and support of this public charity. It was made, by the Resolve, the duty of the Commissioners, to prepare and report to the Executive, a system of discipline and government for the Institution; but as this system requires the sanction of the

Legislature for its adoption, the Report is transmitted by me, for your consideration and disposal.

In connexion with this subject, I have to communicate an Extract from the Will of the late Nathaniel Maccarty, Esquire, of Worcester, which has been duly proved, bequeathing, among other public benefactions, the sum of Five Hundred Dollars, if the Government will accept thereof, *in trust*, that it shall be expended in ornamenting, by the construction of walks, and in planting with trees and shrubbery, the public Grounds, purchased and appropriated for the use and accommodation of the Hospital, "to the end," (in the language of the Testator,) "that the said grounds may be made, not only an object of tasteful regard to the Citizens of the town and to Visitors, but of refreshment and gratifying interest to the convalescent Patients and Inmates of the Establishment." An expression of your acceptance of this Legacy, and your authority to the application of the money, according to the intention of the Testator, are requisite to give effect to the bequest.

The interesting design of obtaining an accurate Map of the State from actual surveys and admeasurements upon Trigonometrical principles, is in a course of diligent prosecution. That you may be fully apprized of the character of the work, and of the progress which has been made towards its accomplishment, during the past season, copies, both of the general and monthly Reports, which have been required from the Surveyor, are herewith submitted. The incipient steps of the process are made exceedingly minute and difficult, by the necessity of perfect mathematical certainty in these, to a correct ultimate result; but the plan, when thus completed, will be of inestimable value, and of abiding use. Full confidence is entertained in the ability and fidelity of the

Engineer engaged in the active service of making the Surveys ;—yet to hasten the attainment of the object, it may be found advisable to direct the employment of additional assistants, another year.

By a recent communication from the learned Professor, whose attention has been directed to the Geological Survey of the Commonwealth, I am apprized, that the purpose of his Commission is nearly executed. The necessary examinations of Country have been mostly made, and the *First Part* of an elaborate Scientific Report, comprising “The Economical Geology of the State, or an account of our Rocks, Soils, and Minerals, that may be applied to useful purposes, and thus become sources of pecuniary profit,” accompanied with a Map, delineating by distinctive numbers and colourings, the various minerals and rock formations which prevail, has been transmitted to me. The plan of the Professor proposes, that the Report should consist of *Four Parts* ; the *second* part to exhibit the Topographical Geology, or an account of the most interesting features of our scenery,—the *third* part, the Scientific Geology, or an account of our Rocks in their relation to Science,—and the *fourth* part to contain Catalogues of the native Mineralogical, Botanical, and Zoological Productions of the State. Under the authority of a Resolve of the 2d of February last, and with the advice of the Executive Council, arrangements have been made to procure the immediate publication of the *first* part of the Report, with lithographic colored impressions of the Map, and the delivery of 600 copies for the use of the Government. These, I trust, will be obtained in season to meet your notice and order for distribution, during the session. The best justification will thus be furnished for engaging in these investigations, and the highest evidence offered of the practical value

of those discoveries and noble contributions to Science, which this immense mass of curious and interesting information will present.

The direction of the Legislature, in a Resolve of the 15th of March last, to cause a concise Manual upon the growth and treatment of the Mulberry Tree, and the culture of Silk, to be compiled and published, and to be distributed, in suitable numbers, to the City of Boston, and the Towns in the Commonwealth, has been complied with, by procuring the compilation of a plain, practical treatise, containing useful information and instruction, the result of observation and experience, on these subjects, and by obtaining its publication, with illustrative plates, and the delivery of 1300 Copies to the Government, which have been put in a course of distribution, agreeably to the Resolve. This whole Commission has been executed somewhat within the appropriation.

Commissioners were duly appointed, pursuant to a Resolve of the 16th of June last, to revise the Laws respecting the form of Bank Bills and the use of Stereotype Plates, and to devise measures of more effectual protection against Forgery and Counterfeiting. The high character of the Gentlemen constituting the Commission, and their practical acquaintance with, and experience in the matters committed to them, bespeak your confidence in their opinions, and in the measures of precaution and security which they may recommend. There is reason to believe, that the currency of the Country has recently been much vitiated by the successful circulation of false Bills, while the danger to the Community, from this cause, is supposed to be greatly increased by the existing law, in requiring uniform Plates for impressions of Bank paper. There is an alarming need of protection, also, against the unauthorized use of these Plates, which,



at some future day, circumstances might render at least quite possible. The subject is one of very great and general concern, and seems to deserve immediate attention.

Other Commissions, in relation to repairs upon the State House, and the construction of a Fire-proof Edifice, for the security and preservation of the public Records, with the general direction of which the Executive was charged, have been fulfilled in the entire completion of these improvements. The personal skill and constant attention of the Superintendant who was appointed to the immediate oversight of the work, greatly contributed to its expeditious, thorough, and economical performance. No provision having been made for his compensation in the Resolve authorizing the appointment, I deem it an act of justice to submit to you a Report, made and accepted in the Executive Council, as evidence of his claims to a pecuniary consideration for valuable services. The accounts of Expenditures upon these objects, as settled with the Executive, show, that the Repairs upon the State House cost little more than one half the estimated amount, and that the expense of the Fire-proof Building was brought within the sum of the appropriation for that purpose.

The transfer of the Records and public papers to the apartments prepared for their future safe keeping, awaits the order of the Legislature, and in view to this, I beg leave to suggest to your consideration, the expediency of causing every Document worthy of preservation, to be entered in a descriptive list, previous to removal, and of directing their arrangement in such chronological or other order, in their new position, as may give immediate and easy reference to them, whenever there is need.

It is with much satisfaction that I am enabled to offer

renewed assurances of the value and productiveness of the Commonwealth's interest in the public Lands in the State of Maine. Under the prudent and judicious management of the Land Agent, the sales, from the first day of February last to the sixth day of December last, the date of his Report to me, amounted to \$35,499 60. In the mean time, the timber has been well protected from depredation, while the demand for it, and for the purchase of the lands, is constantly increasing. With the sales of the past year, the authority to the Agent to dispose of lands South of the Monument Line, was exhausted. The opportunity which he represents, for selling, advantageously, several more Townships in the same neighborhood, recommends an extension of his authority for that purpose.

Having been advised, in the month of October last, by a communication from the Governor of Maine, of the appointment of the Land Agent of that State, as a Commissioner, to meet a Commissioner on the part of this Commonwealth, for the purpose of agreeing upon a system for the sale, disposition, and management of the public Lands owned by the two Governments, the Land Agent here, as best acquainted with the subject, and most conversant with the character and situation of the property and the interest of the Commonwealth in its management, was immediately deputed to that trust. Owing to unforeseen circumstances, the meeting of the Commissioners has not yet taken place. Their Report, when made, is required to be transmitted by them directly to the Legislature.

Unhappily, the controversy with a Foreign Government, respecting the North Eastern Boundary of the United States, which so deeply affects the States particularly interested in these Lands, remains unsettled. It

may be, that this subject has hitherto been regarded with too little concern by us. None may be of more important consequences. It involves, with the rights of property, considerations of high political character and moment. If there is an attribute of State Sovereignty which is unqualified and undeniable, it is in the right of Jurisdiction to the utmost limits of State Territory ; and if a single obligation, under the Constitution, rests upon the Confederacy, it is to guarantee the integrity of this territory to the quiet and undisturbed enjoyment of the States. The reference of the boundary question to the King of the Netherlands has been wholly ineffectual to its just decision. He has palpably departed from the plain terms of the submission, and substituted a proposition to a compromise of difficulties, for an award upon the matter directly in issue between the parties. As an Arbiter, his office strictly was, *to apply a descriptive line of boundary to corresponding appearances on the face of nature*. Rejecting these, he has attempted to establish a new course of division, denoted by Monuments totally dissimilar, and through a tract of Country distant, and widely different. By no rule of Municipal or International law, can such a decision be made of binding obligation. There is no occasion to inquire into the extraordinary influences which may be supposed to have produced it. A preference, by any portion of the Subjects of his Majesty's Province, to a popular Government, would have been as valid a reason for transferring Nova Scotia to the United States, as the convenience of the British Government, of a Road through the State of Maine to Canada, for assigning the Lands between the Waters of the St. John's and the Highlands, intended by the Treaty of 1783, to the British Province. Confidently believing that the award, *as an adjudication*, is

altogether void, I can see no Constitutional power in the Nation, to require an acquiescence in it, on the part of the States which would be prejudiced by its adoption. This must be left to their own volition. Massachusetts, it is true, can suffer directly only in the loss of property ; but her sympathies are not the less due to the State of Maine, in the greater stake of physical and political strength which is there at hazard. Were it not for the Act of Separation, *her* condition had been *our own*. The consent of the Parent State to the erection of Territory to which she claimed an absolute title, of which, from time immemorial, she had been in the actual and exclusive possession, and over which she exercised undisputed jurisdiction, into an Independent Government, was, at least, an implied warranty against its subsequent liability to foreign dismemberment.

As was anticipated, in a communication made by me to the last Legislature, it has resulted, that the further allowance of the Claims of the State upon the General Government is suspended, upon the extraordinary construction given by the late Secretary of War to the Act of Congress providing for its settlement, that his authority was limited to finding a sum of debt equal to the amount of the appropriation for payment, and that beyond this he could not proceed, however equally well the principles of allowance, and the proofs of service, might apply to the remainder of the accounts. Against this opinion, at the time, the Agent of the State ably reasoned, and earnestly protested. The arguments and the issue are before the public, in the Documents which have been published. To an application made by the Agent to the present Secretary of War, to revise this decision, and to allow the examination of the Claims to be resumed, that Officer has replied, that " finding his

immediate Predecessor proceeded as far in the adjustment of the Claims, as he conceived himself authorized under the Act of Congress passed for their settlement, and finally decided, that this Department could afford no further relief in the case, it could not become him to reopen a matter which has been thus disposed of; and that this can only be done by an Act of Congress." The business now rests in the special charge of the Agent, under instructions, upon consultation with the Delegation, to move such Order in Congress, on the subject, at the proper opportunity, as their united advice may recommend. I need not repeat, here, the reasons for believing that an appeal, thus made, cannot fail to be successful. The views which I entertain in relation to the character of the Claim, have been unequivocally and often expressed. To an entire conviction of the obligation of the nation to its payment, and a dissent to the applicability of objections, which for a long time were interposed to any provision, even for its examination, there is now added a perfect confidence, that the principles which have been adopted in the allowance of one portion of the accounts, will equally sustain the greater part of the residue; and that the Government, being apprised of this, will not permit that measure of justice to be injuriously withheld, which it recognizes as due to the rights of the State.

The Resolutions of the Legislature of the Commonwealth, passed on the 8th of March last, requesting the Senators and Representatives of the State in the Congress of the United States, to use their exertions to procure the passage of a law for the more perfect organization of the Militia of the several States, were duly transmitted to them, and also to the Governors of the other States, to be laid before their respective Legislatures,

for their consideration. This Communication was met in many of these States, by similar Resolves and instructions to their Representatives. The complaints which are loud and universal against a system of unnecessary and burdensome exactions of personal service, have thus, at length, received a direction in which the remedy that is sought, can be made effectual and satisfactory. The power to provide for organizing, arming and disciplining the Militia, is expressly vested by the Constitution of the United States, in the General Government, the States having reserved to themselves the right of appointing the Officers and training the Militia, according to the discipline prescribed by Congress. Under this delegated authority exercised now almost forty years since, in the very infancy of the Republic, hardly then confirmed in the maintenance of National Independence, and just rescued from the dangers of anarchy under the old Confederation, with unsettled foreign relations, a sparse population, weak settlements, and a wide frontier constantly exposed to attacks from numerous and formidable Indian Tribes of hostile intentions or suspected fidelity, Congress passed the act, which has strangely been permitted, through all the changes and circumstances of the Country to its present condition of strength, security and prosperity, to direct the enrolments for duty in the Militia. It must be obvious indeed, that requirements adapted to that early period, are wholly unsuited to the occasions of the present time. With the increase of population, the Militia force has proportionately augmented, while the dangers against which this force is provided have been diminished in a ratio with that of its growth. The security to Republican Government, from a *well regulated and efficient Militia*, will not be questioned. It has been authoritatively and somewhat en-

thusiastically pronounced, "a perpetual guard against internal commotion, and an invincible power to shield the Country against its external enemies." The history of every year furnishes illustration of the protection to good Government which it affords. But the enrolment and training of so many of the Citizens have long been regarded as wholly unnecessary to any emergency, which they may be called to meet. The liability to service from 18 to 45 years of age, which the law of 1792 now in force, imposes, has given rise to numerous exemptions and evasions, scarcely less in the aggregate, than the Muster Rolls of the Train Bands themselves. Hence the dissatisfaction and murmurings against the system, as unequal, oppressive, and unjust. By reducing the period of liability to duty, and rendering that duty instructive in the military art, furnishing arms and equipments for its performance, and offering encouragement to those of whom it is required, and allowing no arbitrary and invidious exemptions from its burdens, the Institution will be restored to public favor, and the service of the Soldier be esteemed as honorable, as his preparation to render it, is indispensable to the common welfare. The attention, which has been drawn to the subject in Congress, already thus early in the Session, promises this effect, in a revision and amendment of the whole system of Militia organization and discipline. It cannot reasonably be doubted, that a measure which so directly affects the personal obligations of the Citizen, the domestic regulations of the States, and the physical force of the Union, after the appeals which have been made in uniform expressions of public sentiment and the more formal resolves of Legislative Bodies, will now receive a definite and governing determination. Without an alteration of the law of Congress respecting enrolments,

all subordinate State Legislation must be unavailing to remove the complaints which exist.

The condition of the fiscal concerns of the Commonwealth will be learnt from the annual statement of the Treasurer. It must be seen with equal disappointment and regret, that the Expenditures continue to exceed the Receipts from the ordinary sources of revenue. Discarding from the accounts, in the manner in which they are made up, the credit for the money obtained from the General Government on account of the Claim for Militia services, which was subsequently invested in Securities now held by the Commonwealth, and also disregarding the negotiations with the Banks, so far as the loans and payments are balanced by each other, it appears that the disbursements, within the year, have been \$381,481 68, while the receipts have amounted only to 325,059 23, thus showing a deficit of income, in the sum of 56,422 45. Of this large aggregate of expenditure, *one hundred and one thousand, two hundred and seventy-one dollars* were required for the payment of the travel and attendance of the Members of the General Court. There will also be observed, among the items of charge, an amount exceeding *thirty-nine thousand dollars*, for balances of County Treasurers' accounts against the Commonwealth. These occasions of heavy drafts upon the Treasury must in future be sensibly diminished by the alteration of the Constitution, which dispenses with a second session of the Legislature in the same year, and by the operation of the Statute for enlarging the Criminal Jurisdiction of the Court of Common Pleas, by which, if it is permitted to take effect, great expense for the support of Prisoners in the County Jails, previous to trial, will be prevented. How far still greater reductions may hereafter be allowed by other Amendments of the Constitution, or by fur-



ther alterations in our system of Jurisprudence, depends upon the issue of measures yet to be adopted.

I beg to be understood as continuing of the opinion, which was fully explained in an address to a former Legislature, that the powers of the Court of Common Pleas might be usefully extended, even beyond the provisions of the late Statute. By a more equal division of the amount of business, both civil and criminal, between this Tribunal and the Supreme Judicial Court, much benefit would result to the Community from a more prompt and equally certain decision of cases, and no inconsiderable saving be made to the Treasury in the incidental expenses of the administration of Justice. The Docket of the latter Court is becoming oppressively overburdened, while that of the former, already comparatively small, is daily decreasing.

The excessive charges upon the Government point to the need of more strict economy. There is no subject, perhaps, upon which there is greater misapprehension, than in relation to the causes of this large expense. The work of retrenchment and reform must begin with Systems. The character of economy should be written upon the Laws themselves. It is not in the cost of the Civil List and the necessary support of Government, that the accounts of the Treasury are thus swollen. While whatever is unnecessary in these should be lopped off, and whatever is improper should be corrected, yet it has often heretofore been satisfactorily found, that there was comparatively little, here, to be effected. The Salaries of all the officers, with the incidental charges for the support of Government, are, in the exhibit of the last year, *less than one fifth part* of the aggregate of the payments from the Treasury. Next to the cost of legislation itself, it is by direct grants and special appropria-

tions, and unforeseen and unprovided for contingences, that the Revenue is mainly absorbed. By all these it is, that the reproach of profusion and extravagance, in the *administration* of the State, has come to be unjustly uttered. Has it been considered, that whatever is a charge upon the Treasury is made so, under the sanction of the Laws? And is it of no avail, to what purposes these expenditures have been directed? A recurrence to the Treasury accounts for the last six years would show, that important Commissions have been executed, in settling heavy claims upon the Government, in ascertaining and fixing the Boundaries of the Commonwealth upon the lines of Connecticut and New Hampshire, in dividing with Maine the Public Lands, and bringing these Lands into the Market by constructing Roads, and in managing and disposing of them, at the charge of an agency;—that high objects of general improvement and of public good have been accomplished, by expensive and necessary repairs, alterations and additions to this very Capitol; by the construction of a costly Penitentiary; by extensive surveys for facilitating the means of intercommunication, and thereby developing the resources, and promoting the growth and prosperity of the Country, and by other surveys for scientific ends, in discovering the Geology, and defining more accurately the Geography of the State; by the noble charity of an Institution for the succor of the miserable Lunatic, heretofore the destined and neglected Tenant of the Dungeon; by the annual bestowment of a bounty, no less interesting, for the support and Education of the destitute Deaf and Dumb; by the liberal encouragement afforded to Agricultural Societies; and finally, by fulfilling the injunctions of the Constitution, upon “Legislatures and Magistrates, in all periods of the Common-

wealth, to promote by rewards and immunities, Agriculture, Arts, Sciences, Trades, Manufactures, and a Natural History of the Country." Such appropriations have little to do with the mere support of Government, with which, in an undistinguished mass, they have, sometimes, disingenuously been identified. They are, with better propriety, regarded as the fitting contributions of a prosperous age to the cause and progress of human improvement. If they have served to swell the burdens of the present day, it cannot be to a tithe of the obligation for the institutions and privileges which were transmitted to us by our Fathers, or of the added value which they will give to the inheritance, which is the right, and will be the enjoyment of our Children.

I have thus attempted faithfully to present the objects of prominent concern in the administration of the affairs of the Commonwealth. If, among numerous subjects to which I have felt constrained to advert, there are those which may generally be regarded with little interest, the notice of them, in this place, will be pardoned, in the consideration, that there is no Department, through which, measures, within the scope of Executive action, and proper for the information of the Legislature, can otherwise be communicated. However uninviting such topics appear, they nevertheless become important from their relation to the necessary business of the Government, and the incumbent duties of its responsible and accountable officers.

It remains only to the duty of this occasion, that I lay before you Resolutions of the Legislatures of the States of Maine, New Hampshire, and Connecticut, respectively, which have been transmitted to me, with requests to that purpose, during the vacation. The Resolutions of Maine relate to the Tariff and Internal Improvements;

and express a denial of the constitutional power of Congress to execute a system of Internal Improvements, and a disapprobation of raising a revenue by taxes and imposts beyond the ordinary and necessary expenses of the Government. Those of New Hampshire contain instructions to the Delegates in Congress from that State, to use their exertions to procure the passage of a law for the more perfect organization of the Militia of the several States. And those of Connecticut are in affirmance of the Supremacy of the Constitution of the United States, and the Laws and Treaties made in pursuance thereof, over State authority, and maintain the Independence of the Judicial Department of the General Government, and the importance of preserving its influence, to the permanent interests of the Country.

In such communications, aside from the subjects to which they refer, there is an apt and striking illustration of the peculiar character of the Government under which we live. They are in themselves a practical recognition of the federative principle by which the States are united. They imply the mutual connexion of these States with each other, and their common relation to one constituted head. There is in them, neither the manifestation of the existence of a separate power, nor the dictate of a joint command, to control the operations of the confederated Government. In their original adoption, they severally purport to be the opinions of a single State, proposed to the consideration of other States, to induce to their co-operation, and the united influence of all, upon the concentrated Councils of the Nation. Thus regarded, they are indeed a beautiful exhibition of that harmony of design in which the Union was established. How much more consonant with the genius of our political Institutions, are these expressions of sentiment, address-

ed to the reason, and wisdom, and patriotism of the people, than the loud notes of denunciation and defiance which have elsewhere been sounded, to overawe and control the Constitutional functions of an independent Department of the Government! The recent measures which have been proposed in some of our sister States, can be viewed only with alarm for the very existence of the Republic. Whatever may be the purity of motive, or the integrity of principle, in which they are conceived, their inevitable tendency is to division and separation. The extraordinary doctrine, that it is within the reserved rights of the States to decide, *each for itself*, the obligation of submission to the Laws of the Union, goes directly to the subversion of that Union. If obedience is put at the pleasure of those from whom it is required, local interests and political excitements will not fail to find occasions on which it will be refused. The laws which are intended for the government of the whole people, will be made to bear with unequal operation upon a part. The Citizens of one Section of the Country, absolved from their allegiance by State authority, will be arrayed against those of another Section, who are still held to its responsibilities. In the controversy which will ensue, either an enforcement of the power of the General Government must become usurpation and tyranny, or resistance to it will be rebellion and treason. It were well that this matter was more thoroughly and generally considered. It should be brought home to the understanding and personal judgment of every Citizen. If, under the Constitution, there is no common umpire between the Government and the People, between the reserved rights of the States, and the delegated authority of the Nation, then has the Union no strength, Liberty no safeguard, National Independence no security or permanency. The

majority of each State Legislature holds at its will the continuance of the compact of Confederation, and policy alone will determine both the measure and duration of its obligations. Happily, the Framers of the Constitution foresaw, and wisely provided against this danger. They placed the Edifice of political Freedom upon a more stable foundation than an ever fluctuating popular opinion. On the broad principles of mutual interest, and common protection, they reared the Structure of the Federal Union. They established fundamental rules for the administration of the Government, and created an Independent Tribunal, in the Judicial Department, to watch over and enforce their observance. While the Constitution remains unimpaired, and the Institutions which it has appointed are maintained in their purity and vigor, this Nation will continue to advance in strength and glory ;—the States will be protected in the relations which a just and voluntary compromise established ;—and the People, free, prosperous and happy, will enjoy that pre-eminence in rights, privileges and condition, which has made their Country a land of Liberty ;—a refuge and resting place for the persecuted and oppressed of the whole earth.

LEVI LINCOLN.

*Council Chamber,*

*Boston, January 9th, 1832.*

## CHAP. I.

*To the Honorable Senate,  
and House of Representatives.*

I herewith transmit a Communication from His Excellency the Governor of Maine, covering a Resolve of the Legislature of that State, and also a Report of Commissioners appointed pursuant thereto, in relation to the location and construction of what is called the *Canada Road*, which lies partly through the public lands owned by the two Governments. The purpose of the Communication is to obtain the sanction of this Commonwealth to the measures which have been adopted in Maine, in establishing the route west of Bald Mountain, and to request an extension of the time heretofore allowed by a Resolve of this Government for the completion of the road, as the condition of aid thereto in the grant of a township of land. The alteration made in the route avoids a formidable obstacle both to the construction and future use of the road, and the delay which has been occasioned in the completion of the work, seems to have been equally against the intention and without the control of the Government of Maine. A compliance with the present request is recommended by considerations of mutual advantage, as well as of comity towards that State.

LEVI LINCOLN.

*Council Chamber, January 13, 1832.*

*A Resolue, providing for uniform returns on the subject of State Paupers. January 14, 1832.*

*Resolved, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Secretary of the Commonwealth forthwith cause to be printed, the following form of Returns, to be made by the Overseers of the Poor of the several townships and districts in this Commonwealth, according to an act passed the eighteenth day of March, in the year of our Lord one thousand eight hundred and thirty-one, entitled "An Act relating to the support of State Paupers," and transmit the same to the overseers aforesaid.*

# Commonwealth of Massachusetts to the Town of

D.

For the support of the following state paupers, viz.:

[illegible]



We, the subscribers, Overseers of the Poor for the town hereby certify, that the persons named in the above account, never gained a settlement in any city, town or district within this Commonwealth, by deriving the same from his or her parents or grandparents, nor by any provision of an act passed February eleventh, in the year of our Lord one thousand seven hundred and ninety four, specifying what shall constitute a legal settlement. And also that

no kindred within this Commonwealth, by law obliged to support and that no legal settlement in any place in the Commonwealth, according to the existing laws for determining questions of habitancy. We further certify, that the whole amount charged in the foregoing account has been expended for the support of the person borne on said list for the time therein specified, and that no part of said account is for the support of any person over the age of twelve years, while of competent health to labor.

The said overseers further certify, that we have made the foregoing statements upon the best evidence we could obtain.

{ *Overseers of Poor*  
                           *for the town*  
                           *of*

Dated at            this            day of            A. D. 183

[Approved by the Governor, January 14, 1832.]

## CHAP. III.

*Resolve on the Petition of Samuel Tilton.*

January 18, 1832.

*Resolved*, That Diadama Tilton, the daughter of Samuel Tilton of Chilmark, in the county of Duke's, be placed upon the list of pupils supported by this Commonwealth at the American Asylum for the education of the deaf and dumb, at Hartford, agreeably to the provisions of the resolves heretofore passed in relation to State beneficiaries.

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## CHAP. IV.

*Resolve providing for the pay of Gardiner Dorrance, a member of the last General Court.*

January 18, 1832.

*Resolved*, That the sum of forty dollars be allowed and paid out of the treasury of the Commonwealth to Gardiner Dorrance, a Representative from Sunderland, at the last General Court, for ten days attendance and travel, the same having been accidentally omitted in making up the Pay Roll. And His Excellency the Governor is hereby authorized to draw his warrant accordingly.

## CHAP. V.

*To the Honorable Senate and  
House of Representatives ;*

In a recent communication from the Principal of the American Asylum for the Deaf and Dumb in relation to the Beneficiaries of the State at that institution, he recommends, that the early period at which the pupils may be received into the seminary should be reduced from the age of *fourteen* years, as now fixed by the regulation of our Statute, to the age of *twelve*. The reasons for this alteration are fully explained in an extract from the Letter which is herewith transmitted, and are enforced by the concurring opinions of the Faculty of Instruction. Since the adoption of the general law authorizing the Governor to grant Certificates of admission to suitable subjects of the age of *fourteen* years, numerous special Resolves have entitled those of a more tender age to a participation in the bounty, and the opportunity of experience has thus been afforded in favor of the propriety and expediency of the proposed modification.

So effectual has been the provision of the public charity to the means of educating the whole class of Deaf and Dumb within the Commonwealth, that, for several years past, no proper applicant has been denied the advantages of support and instruction at the Asylum, and, after meeting every such occasion the last year, a sum, *exceeding one thousand dollars*, remained of the appropriation, to be transferred, under the authority of a Resolve of the Legislature, to another most interesting object of sympathy and beneficence in the relief of the

blind. The whole number of pupils in the Asylum, at the charge of the State, is but 36, while the appropriation of the government is equal to the support of 56. As the classes now in the of course education shall leave the institution, the numbers will be gradually diminished, until there will only be the annual supply from births and the consequences of disease to be provided for. These have been estimated upon our present population not to exceed *fifteen*. Should the Government still continue this act of enlightened munificence, increased and very necessary encouragement may be afforded to the measures which are already in operation for the establishment of an Infirmary for the Blind: until it shall thus come to be the singular honor and happiness of this favored Commonwealth, that there is no destitution among us but the want of intellect, which the means of knowledge are not made to reach and to alleviate.

LEVI LINCOLN.

*Council Chamber, January 24, 1832.*

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## CHAP. VI.

*Resolve for payment of Commissioners for dividing the divisional line between Patentees and Purchasers, and Indians on Chappequiddic.*

January 24, 1832.

*Resolved*, That there be paid out of the Treasury of this Commonwealth to Timothy Daggett, Peter Pease, and John Thaxter, the sum of ninety six dollars, and seventy five cents, in full for their services and expen-

ses, as Commissioners, under a resolve of the Legislature of the fifteenth of June last, to make a division in the Divisional line between the Patentees and Purchasers, and the Indians, on the Island of Chappequiddic.

*Resolved*, that His Excellency the Governor, by and with the advice and consent of the Council, be, and he hereby is authorized to draw his warrant on the treasurer for the above mentioned sum.

## CHAP. VII.

*Pay Roll of the Valuation Committee, for attendance, &c.  
from Nov. 23, 1831, to Jan. 3, 1832.*

NAMES.	Miles travel.	Days attend- ance.	Am't of travel and attendance.
Charles Wells, . . . .	"	42	126
Joseph H. Dorr, . . . .	"	42	126
Richard D. Harris, . . . .	"	42	126
Henry J. Oliver, . . . .	"	42	126
Stephen C. Phillips, . . . .	14	27	84
Robert Rantoul, . . . .	25	40	125
Thomas M. Clark, . . . .	45	37	120
Elias Davison, . . . .	35	42	133
Jesse Kimball, . . . .	30	42	132
David Townsend, . . . .	10	42	128
Joseph Barrett, . . . .	20	39	121
Abel Jewett, . . . .	45	42	135
David Wilder, . . . .	40	42	134
Charles Russell, . . . .	50	39	127
Isaiah Putnam, . . . .	50	32	106
Benjamin Davenport, . . . .	40	35	113
Sylvanus Holbrook, . . . .	40	40	128
Noah Wells, . . . .	125	42	151
Jonathan Hartwell, . . . .	95	38	133
Eliphalet Williams, . . . .	100	36	128
Aaron Gould, . . . .	80	42	142
Enos Foote, . . . .	110	42	148
George Bliss, . . . .	100	36	128
Russell Brown, . . . .	140	41	151
Nathan Willis, . . . .	140	42	154
Melancton Lewis, . . . .	150	42	156
Samuel P. Loud, . . . .	5	40	121
Lemuel Humphrey, . . . .	15	42	129
Warren Lovering, . . . .	25	33	104
Solomon Lincoln, Jr. . . .	20	39	121
Hercules Cushman, . . . .	40	36	116
Allen Danforth, . . . .	45	37	120
Nathan C. Brownell, . . . .	70	36	122
Thomas A. Greene, . . . .	60	42	138
Elijah Howard, Jr. . . .	50	36	118
Seth Whitmarsh, . . . .	45	34	111
John Doane, . . . .	90	42	144
Charles Marston, . . . .	70	41	137
Leavitt Thaxter, . . . .	100	42	146
Hezekiah Barnard, . . . .	135	24	99
Daniel Richardson, . . . .	30	32	102
			\$5209

*Resolve for the pay of the Valuation Committee.*

January 26, 1832.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the several persons members of the Valuation Committee named in the accompanying roll, the several sums therein annexed to their respective names, in full compensation for their travel and attendance as members of said committee, and His Excellency the Governor is hereby requested to draw his warrant accordingly.

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## CHAP. VIII.

*Resolve for the pay of the Clerk of the Valuation Committee.*

January 26, 1832.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Charles Calhoun, two hundred and forty-five dollars, in full for his services as Clerk of the Valuation Committee, and His Excellency the Governor is hereby requested to draw his warrant accordingly.

## CHAP. IX.

*Resolve on the petition of Daniel Fellows, Jr.*

January 28, 1832.

*Resolved*, That there be allowed and paid, out of the treasury of this Commonwealth, to Daniel Fellows Jr., the sum of two dollars per week for support of one Polly Madison, an Indian of the Chappequiddic tribe, for the term of one year and three months, should she live so long, said term to commence on the 15th day of October, 1831, and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. X.

*To the Honorable Senate and  
House of Representatives :*

The Documents which I have the honor herewith to transmit convey the sentiments of the Legislature of the State of Maine on the highly important subject of the North Eastern Boundary, expressed in Resolutions asserting the right of the State against the British pretensions, disapproving and rejecting the recommendation of the king of the Netherlands to the establishment of the line proposed in his award, appealing to the General Government to protect Massachusetts and Maine in the



property in the lands, and the latter in the sovereignty and jurisdiction over the territory which will be affected by the decision, and asking the countenance and cooperation of Massachusetts in measures for the security of a common interest. the defence of a sister State from dismemberment, and the vindication of the country from an acquiescence in an act of essential public injury and national injustice.

The papers were presented to me by Gorham Parks, Esq. of Bangor, with an official testimonial of his appointment as a special agent of the Government of Maine, to proceed hither and deliver them to the Executive of Massachusetts, with a request that the same might be laid before the Legislature of this Commonwealth. In this ready compliance on my part, I cannot but feel it a duty to recommend the subject as worthy of the most earnest, considerate and faithful attention. The agent was also charged to deliver Copies of the Resolutions to each member of the Government, and now waits the opportunity of fulfilling his commission, and offering any explanations which may be desired, to the Legislature, through a committee or otherwise, as it may be your pleasure to permit.

LEVI LINCOLN.

*Council Chamber,  
January 30, 1832.*

## CHAP. XI.

*To the Honorable Senate and  
House of Representatives :*

I herewith transmit for your notice and consideration a communication addressed to me by His Excellency the Governor of Rhode Island, covering Resolutions of the General Assembly of that State, directing the institution of process in the Supreme Court of the United States, for the purpose of recovering against this Commonwealth jurisdiction and possession of a very considerable and valuable tract of territory upon our southern border. The line of original division between what now constitutes the two Governments seems to have been clearly defined in the charter granted by Charles the First in 1628, to the Colony of Massachusetts, and afterwards by the Charter of Charles 2d, in 1663, to Rhode Island, bounding the north line of the latter by the south line of the former. In the years 1718 and 19, this boundary was actually run out, and monuments erected by commissioners mutually appointed on the part of the respective Governments of the then province of Massachusetts Bay, and the Colony of Rhode Island, and Providence Plantations, with the professed intention of *finally* settling and terminating a preexisting controversy, which had arisen on this subject, and their report, then made and agreed to, has, from that time to the present, now more than a century, been practically recognized and acquiesced in, as the established division of territory and jurisdiction between the States. The measures of defence which it may be necessary to adopt against the unexpected and extraordinary procedure of which we are now admon-

ished, in an attempt to divest Massachusetts of her well established and long admitted right and possession, so greatly affects also the situation of a vast amount of the property of our citizens, and a large population, it becomes me respectfully to refer to your determination.

LEVI LINCOLN.

*Council Chamber, January 30, 1832.*

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## CHAP. XII.

### *To the Honorable Senate and House of Representatives :*

I have much satisfaction in now being enabled to lay before the Legislature a supplemental Report by the Civil Engineer in the employ of the Government, showing, in a connected and comprehensive relation, the whole of his operations in the work with which he is charged, to the close of the season. This, with the Reports transmitted at the commencement of the session, completes the view which at this time can be presented of the character of the service, and the progress which has been made towards the ultimate accomplishment in obtaining a map of the Commonwealth.

Col. Stevens, the Engineer, has reported himself here for instructions, and during a necessary detention of a few days in the settlement of his accounts, will readily afford any information on the subject of the Survey, to a Committee of the Legislature, which may be required. A small unexpended balance will remain from the appropriation of the last year ; but still further provision will be necessary to carry the work through another sea-

son, and also, in the mean time, to complete the Geological Survey of the State, which being a less considerable labor is already much more advanced. An estimate accompanies this Communication.

LEVI LINCOLN.

*Council Chamber, January 31, 1832.*

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### CHAP. XIII.

*Resolve respecting Deaf and Dumb Persons.*

February 4, 1832.

*Resolved*, That all deaf and dumb persons between the ages of twelve and twenty five years, who possess the qualifications, and shall conform to the requisitions, specified in the resolves respecting deaf and dumb persons, passed the eighteenth day of February, in the year of our Lord one thousand eight hundred and twenty five, shall be, and hereby are entitled to the benefit of all the provisions and appropriations heretofore passed and now in force, for the relief and education of the deaf and dumb within the Commonwealth.

## CHAP. XIV.

*Resolves in relation to the bequest of the late Nathaniel Maccarty, Esquire, to this Commonwealth.*

February 7, 1832.

Whereas Nathaniel Maccarty, late of Worcester, in the county of Worcester, Esquire, deceased, by a codicil to his last will and testament, gave and bequeathed the sum of five hundred dollars to this Commonwealth, if the government thereof would accept the same, in trust, that the same shall be faithfully appropriated and expended, under the direction of the Governor for the time being, in ornamenting, by the construction of walks, and in planting with trees and shrubbery the public grounds in Worcester purchased and appropriated for the use and accommodation of a Lunatic Hospital : therefore

*Resolved*, That this Commonwealth will accept the said sum on the trust aforesaid, and the treasurer and receiver general is hereby authorized to receive the amount of said legacy, and to give a sufficient legal discharge therefor.

*Resolved*, That His Excellency the Governor be requested to cause the money, when so received, to be faithfully appropriated according to the directions in the codicil aforesaid, and that by and with advice of the Council he draw his warrant on the treasurer for the amount so to be expended.

## CHAP. XV.

*Resolve directing the Treasurer to make Report on accounts audited by him on the fourth Thursday of February in each year.*

February 8, 1832.

*Resolved*, That the Treasurer of the Commonwealth be authorized and directed to make his report of accounts audited by him, on the fourth Thursday of February of each year, instead of the fourth Wednesday of the session, as is now required by a Resolve passed on the eleventh day of June 1829.

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## CHAP. XVI.

*Resolve in favor of sundry Clerks employed in preparing the valuation returns for the Committee.*

February 9, 1832.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to John Delay, the sum of thirteen dollars and fifty cents, to William Manning, the sum of one hundred and thirty-eight dollars, to Josiah Flagg, the sum of one hundred and seventeen dollars, to Charles W. Lovett, the sum of one hundred and two dollars; to Allen Whitman, the sum of ninety

three dollars, and to Solomon Hopkins, the sum of sixty six dollars, and His Excellency the Governor, with the advice of Council, is hereby authorized and requested to draw his warrants accordingly.

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## CHAP. XVII.

*Resolve allowing the State of Maine further time to complete the Canada Road.*

February 10, 1832.

*Resolved*, That a further time of two years from the date hereof, be, and hereby is allowed to the State of Maine, to complete the making of the Canada road in the direction west of Bald Mountain, so called, any former act or resolve on this subject to the contrary notwithstanding.

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## CHAP. XVIII.

*Resolve authorizing the Treasurer to deliver to Nath. Ingersoll a Bond signed by said Ingersoll and others, on condition.*

February 10, 1832.

*Resolved*, That the treasurer of this Commonwealth be, and he is hereby authorized and empowered, to de-

liver to Nathaniel Ingersoll or to his order, a bond now in the treasury signed by said Ingersoll and others, on receiving a certificate from the land agent of this Commonwealth that he is satisfied the number of families required to be placed on said township No. 4. have been placed thereon, any other condition in said bond to the contrary notwithstanding.

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## CHAP. XIX.

*Resolve upon the Petition of the minor children of David S. Greenough.*

February 10, 1832.

Upon the petition of the minor children of David S. Greenough, late of Roxbury in the county of Norfolk, Esquire, deceased, (presented by their guardian,) for the reasons therein set forth ;

*Resolved*, That Maria F. Greenough, the guardian of said minors, or, in case of her unwillingness to act in this behalf, any person or persons who shall be appointed for this purpose by the Judge of Probate in the county of Norfolk, be, and said guardian, or such person or persons as shall be appointed as aforesaid, respectively are hereby fully authorized and empowered to sell and dispose of, by public sale or private contract, and for and in the names of said minors respectively to execute, acknowledge and deliver any and all deed or deeds proper and sufficient to grant and convey to the purchaser or purchasers thereof all the right, title, interest and estate



which David S. Greenough, John Greenough, James Greenough, Anne Greenough, and Jane D. Greenough, the minor children of said David S. Greenough, deceased, have of, in and to one undivided moiety of a certain island known by the name of Noddles Island, and situated in the harbor of Boston.

*Provided however*, that said minors estate in said island shall not be sold by private contract, unless a sale can thereby be effected at a price, which, including the consideration for the estate in dower belonging to the mother of said minors, shall equal one hundred dollars for each acre which a moiety of said island contains.

*And provided also*, that before the power hereby granted shall be exercised, the person or persons assuming to act under and by virtue of this resolve, shall, before he, she, or they grant and convey the said estate and title of said minors to a purchaser or purchasers, give a bond, with a sufficient surety, or sureties to said judge of probate, in an adequate penalty, with condition that he, she, or they shall and will faithfully lay out and keep invested in some public stocks or funds, or in real securities at interest, all the net proceeds of such sale ; and will duly account for and pay over to said David, John, James, Anne and Jane respectively, when and as they attain full age, his or her just share of such proceeds, with the accumulation (if any,) caused by the addition of an excess of income beyond the expenditure required for the suitable education and maintenance of said minors during their respective minorities; and shall also take, subscribe and file in the probate office in said county of Norfolk, the oaths which executors and administrators are required by law to take, before making a sale of the real estate of their testators or intestates under a license from the Supreme Court, or a Court of probate, except as to the mode of sale.

## CHAP. XX.

*Resolve in favour of Col. Charles S. Davies.*

February 13, 1832.

On the account of Col. Charles S. Davies exhibiting a demand against the Commonwealth for services rendered, and money expended by him in the county of Oxford, State of Maine, in obtaining proof by testimony and documents in support of the claims of Massachusetts and Maine for military services, at the request of George Sullivan, Esqr. then agent of the Commonwealth in September, A. D. 1824—

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to Col. Charles S. Davis for reasons above set forth, the sum of one hundred and thirty dollars; and His Excellency the Governor with the advice of council is hereby authorized and requested to draw his warrant accordingly.

## CHAP. XXI.

## ROLL OF ACCOUNTS

*Audited by the Treasurer of the Commonwealth agreeably to the Orders of the Honorable Legislature, passed on the 21st and 22d of June, 1831.*

Reported January 25, 1832.

Loring and Brewer, for carpeting, binding, &c., for the Senate Chamber to 12th November, 1831, . . . . .	\$388 13
Gore and Baker, for painting in the Senate Chamber, Gallery, Lobby, &c., to November 25, 1831, . . . . .	254 25
Baxter, Hannah N., making carpets for the Senate Chamber and Lobby, repairing table coverings, &c., to November, 1831, . . . . .	36 63
Thayer, Joseph H., paper hangings &c., for the Senate Chamber, to November 2, 1831, . . . . .	23 75
Tompkins, William, for taking off the old, and putting on the new paper hangings in the Senate Chamber to November 3, 1831, . . . . .	32 00
Wheeler, John H., for carpenter's work done in and about the Senate Chamber, September 10, 1831, . . . . .	52 97
Wells, Charles, for cash paid by him to William Barrett, for cleansing the table covering, &c., belonging to the Senate Chamber, September 30, 1831, . . . . .	8 71

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\$796 44

*Resolve for paying for the repairs in the Senate Chamber.*

February 13, 1832.

*Resolved*, That there be allowed and paid out of the public treasury, to the several persons mentioned in the annexed roll, the sums set against their names respectively, amounting in the whole to the sum of seven hundred and ninety six dollars and forty four cents; and that the governor be authorized to draw his warrant for the same.

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## CHAP. XXII.

*Resolve authorizing the Treasurer to borrow money.*

February 15, 1832.

*Resolved*, That the treasurer of this Commonwealth be and he is hereby authorised and directed to borrow, of any of the banks in this Commonwealth, or any corporation therein, or of any individual or individuals, such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the meeting of the next General Court, and that he pay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received in the treasury.

*Provided, however,* That the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of two hundred and fifty thousand dollars.

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## CHAP. XXIII.

*Resolve on the Petition of Waldo Flint and Joseph A. Denny.*

February 15, 1832.

*Resolved,* That Waldo Flint and Joseph A. Denny, both of Leicester in the county of Worcester, trustees appointed under and by virtue of the last will and testament of Otis D. Earle, late of New Haven, in the state of Connecticut, deceased, testate, be and they hereby are authorized and empowered to sell at public vendue, and to make, execute, acknowledge, and deliver good and sufficient deed or deeds to convey all the right, title, interest and claim whatsoever, which they as trustees as aforesaid, and all other persons for whose benefit they hold the same in trust as aforesaid, have in and to certain real estate, situated in said Leicester, about a hundred rods east of the Congregational meeting house in said town, on the north side of the great Post Road, containing about nine acres, with a dwelling house and out buildings thereon standing, consisting of house lot, garden, mowing and pasture, bounded on the south by said road, on the west by land of Horatio G. Henshaw, on the north by land of Austin Flint, and on the east by

land of said Austin Flint, and by land of Eri Chilson, they the said trustees giving notice of the time and place of said sale, by publishing an advertisement thereof, three weeks successively, in the Massachusetts Spy, a newspaper published in Worcester in said county, before the time of sale ; the proceeds of said sale to be put out and secured on interest, and the income and principal sum to be by them in all respects appropriated and applied, in the manner and form appointed and directed by the said last will and testament of the said Otis D. Earle, deceased, and they the said trustees also giving bond to the judge of Probate of the county of Worcester, with sureties to be approved by said judge, conditioned to account for and pay over the proceeds of said sale, with interest, to the minors interested therein, as they may come of age respectively.

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#### CHAP. XXIV.

##### *Resolves relating to the North Eastern Boundary.*

February 15, 1832.

THE Committee on Public Lands, to whom was referred so much of the Governor's Message, at the opening of the present session of the General Court, as relates to the North-Eastern Boundary of the United States, and also a subsequent Message enclosing a communication from the Governor of Maine, with accompanying documents relating to that subject, have considered the same, and respectfully submit the following REPORT.

In the part of his Message at the opening of the ses-

sion, which relates to the North-Eastern boundary, the Governor intimates that it may be expedient for the General Court to express their opinion, how far the proceedings of the King of the Netherlands, in regard to the matters referred to him in pursuance of the fifth article of the treaty of Ghent, are binding upon the Government of the United States, and upon the States of Massachusetts and Maine. The Resolutions of the Legislature of the latter State, which accompany the Governor's subsequent Message, declare in strong terms, that these proceedings are not obligatory, and request the co-operation of this Commonwealth in such measures, as may be best calculated to prevent the adoption of the boundary line recommended by the King. Massachusetts is in fact directly interested in the question, by her right of property in a considerable portion of the territory, which would be cut off from the State of Maine by that line ; and as the Senators and Representatives of the Commonwealth in Congress will be called upon, in the regular discharge of their duties, to concur in the action of the General Government upon this subject, it is proper and expedient that they should be distinctly informed of the views of their constituents. In presenting the result of their inquiries into this important subject, the Committee will first briefly state the facts in the case, as far as may be necessary for the present purpose, and afterwards add, for the consideration of the General Court, the conclusions to which those facts appear to lead.

The Committee have not thought it necessary to recapitulate, on this occasion, the history of the controversy between Great Britain and the United States, respecting the North-Eastern boundary. This is a matter of public notoriety, and has also no bearing upon the

present inquiry. The objection to the proceedings of the King of the Netherlands has no connexion with the merits of the case as between the two parties. If the King has given a decision upon the points referred to him, it is admitted that this decision, however erroneous it may appear to the Government of the United States, is binding—supposing the points referred to be such as the Government of the United States has a right to submit to arbitration. If the King has not given a decision upon the points referred to him, it is equally apparent, that the rights of the two parties remain in the same state in which they were before the reference; and are in no way affected by any recommendation which his Majesty may have thought proper to give in regard to points which were not referred to him. This remark would be true upon the ordinary principles of natural law independently of any specific engagement, and it is also confirmed by the language of the treaty of Ghent, which expressly stipulates at the close of the fourth article, that “His Britannic Majesty, and the Government of the United States, engage to consider the decision of the arbiter as final and conclusive upon all the matters referred to him;” thus excluding from any pretension to an obligatory character, any opinion or recommendation which he might think proper to give upon any other subject. The most important point for consideration in the present inquiry is, therefore, whether the King of the Netherlands has or has not given a decision upon the questions referred to him, in relation to the North-Eastern boundary. In order to determine this question, it is of course only necessary to recur to the treaty of Ghent, and compare the terms of the submission as therein stated, with those of the document containing the results of the King’s proceedings.



The fifth article of the Treaty of Ghent provides, that, “whereas neither that point of the Highlands lying due North from the source of the river St. Croix, and designated in the former treaty of peace between the two powers as the North-West angle of Nova Scotia, nor the Northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers, which extends from the source of the river St. Croix, directly North to the above-mentioned North-Western angle of Nova Scotia, thence along the said Highlands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the Northwesternmost head of Connecticut River, thence down along the middle of the river to the forty-fifth degree of North latitude, thence by a line due West on said latitude, until it strikes the river Iroquois or Cataraquay, has not yet been surveyed; it is agreed, that, for these several purposes, two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said Commissioners shall meet at St. Andrews, in the Province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The same Commissioners shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace of 1783, and shall cause the boundary aforementioned, from the source of the river St. Croix to the river Iroquois or Cataraquay, to be surveyed and marked according to the said provisions. The said Commissioners shall make a map of the said boundary,

and annex to it a declaration under their hands and seals, certifying it to be a true map of the said boundary and particularizing the latitudes and longitudes of the North-West angle of Nova Scotia, of the Northwest-ernmost head of Connecticut River, and of such other points of the said boundary as they may deem proper ; and both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And, in the event of the said Commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them or either of them, and such reference shall be made to a friendly Sovereign or State, in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same were herein repeated.”

The part of the fourth article of the same treaty, which is here alluded to, as describing the form and manner in which the points in dispute are to be referred to the arbiter, is as follows :

“ It is further agreed, that in the event of the two Commissioners differing upon all, or any of the matters so referred to them, or in the event of either or both of the said Commissioners refusing, or declining, or wilfully neglecting to act as such, they shall make, jointly or separately, a report or reports, as well to the Government of His Britannic Majesty as to that of the United States, in detail of the points on which they differ, and the grounds on which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And His Britannic Majesty, and the Government of the United States, hereby agree to refer the report, or reports, of the said Commissioners, to some

friendly Sovereign or State, to be then named for this purpose, and who shall be requested to decide upon the differences, which may be stated in the said report or reports, or upon the report of one Commissioner, together with the grounds upon which the other Commissioner shall have refused, declined, or omitted to act, as the case may be; and if the Commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly Sovereign or State, then such Sovereign or State shall decide *ex parte* upon the said report alone. And his Britannic Majesty, and the Government of the United States, engage to consider the decision of such friendly Sovereign or State to be final and conclusive on all the matters so referred."

It results from the terms of these articles, and leaving out of view that part of the fifth relating to the Northwesternmost head of Connecticut River, and the boundary thence to the Iroquois, which is not material to the present purpose, that the duty which devolved upon the Commissioners, appointed under the fifth article, was to ascertain and define that point of the Highlands lying due North of the source of the river St. Croix, which was designated, in the former treaty, as the North West angle of Nova Scotia, and to cause that part of the boundary line, between the dominions of the two powers, which extends from the source of the river St. Croix, due North to the above-mentioned North West angle of Nova Scotia, thence along the said Highlands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the Northwesternmost head of Connecticut River, to be surveyed and marked accord-

ing to the provisions of the treaty. No authority is given to the Commissioners to ascertain and determine the respective positions of the Highlands, or of the source of the river St. Croix. Both these are supposed to be known. The position of the source of the river St. Croix had in fact been determined by a special convention, and no question had ever been raised as to that of the Highlands, which was laid down in all the maps, and described in a variety of official documents, emanating from the British government, as stretching from the Western extremity of the Bay des Chaleurs, along the South side of the river St. Lawrence, at a distance from it of twenty or thirty miles. The duty of the Commissioners was, therefore, as has been already said, to ascertain and determine the point where a line, drawn due North from the source of the St. Croix strikes the Highlands, and to cause the boundary line, which, according to the treaty, was to run Westerly from that point along the Highlands to be surveyed. Should the Commissioners differ upon any of the matters referred to them, they were to make report to their respective governments of the points on which they differed, and an arbiter was to be appointed, who was to decide, on view of these reports, the points of difference therein stated.

The Commissioners appointed for this purpose, having disagreed, and made reports as required by the treaty to their respective governments, it was determined by the convention of Sept. 29, 1827, that the points in dispute in regard to this subject should, in conformity to the further provisions of the treaty, be referred to a friendly sovereign. The language of the convention is as follows :

“ It is agreed, that the points of difference which have

arisen in the settlement of the boundary between the American and British dominions, as described in the fifth article of the treaty of Ghent shall be referred, as therein provided, to some friendly sovereign or state, who shall be invited to investigate and make a decision upon such points of difference.

It was farther provided, in another article of the same convention, that, as the reports of the Commissioners were too voluminous to be conveniently examined by the arbiter, "new and separate statements of the respective cases, severally drawn up by each of the contracting parties," should be substituted for them as the basis of the decision. These new statements were accordingly prepared on each side, and the king of the Netherlands having been agreed upon as the arbiter, were laid before him by the Plenipotentiaries of the two Governments. It is to these statements that we are to look immediately for information in regard to the points which the king was authorized to decide. In stating the result of their examination of these documents, the Committee leave out of view, as before, all that relates to other questions not material to the present purpose, and confine themselves to the points of difference in regard to the North-Eastern boundary.

In the introductory part of his award, the king says, that the two parties had agreed upon a statement of the points of difference between them. In reality, however, these points, and particularly that relating to the North-Eastern boundary are somewhat differently stated by the two parties. According to the American Statement, the point of "difference is the North-West angle of Nova Scotia, and the boundary line contemplated by the treaty of 1783, extending from that angle along certain Highlands to the Northwesternmost head of the

Connecticut River.” The British statement gives the point as follows : “ The parties differ respecting the point designated in the treaties as the North-West angle of Nova Scotia, and respecting the Highlands along which the line of boundary is to be carried, which is destined to divide the rivers that empty themselves into the river St. Lawrence, from those that fall into the Atlantic Ocean.” Neither of these statements is precisely accurate in form ; but the British differs from the other in representing the position of the Highlands as one of the points in dispute. The king, in his award, conforms to the British Statement, and specifies the questions at issue in the following terms : “ Which is the place designated in the treaties as the North-West angle of Nova Scotia, and what are the Highlands dividing the rivers that empty themselves into the river St. Lawrence, from those that fall into the Atlantic Ocean, along which is to be drawn the boundary line from that angle to the Northwesternmost head of Connecticut River ?”

Notwithstanding the variation between the modes of expression of the British and American Commissioners, they agree substantially in representing the situation of the Highlands, as the principal point upon which they had differed. The Committee have already remarked, that it certainly was not the intention of the parties to the treaty of Ghent, that any question should be made upon this subject. When the British Commissioners advanced the extravagant and preposterous pretension, that the Highlands were situated in a level region in the middle of the State of Maine, the American Commissioners, might perhaps with propriety have declined to negotiate upon this point. Instead of this, however, they undertook to refute the British argument, and finally consented to refer it to the arbiter. The

King being authorized to decide upon all the questions specified in the statement, was of course justified in considering the situation of the Highlands, as one of the points referred to him : and had he given a decision in favor of the British pretensions, the Government of the United States would have been bound to acquiesce in it, except so far as it might have been considered originally null and void, for want of any constitutional power in the Government of the United States to authorize the submission to a foreign arbiter of the question so decided.

The King, however, gave no decision upon this or any other question relating to the North-Eastern boundary. After stating the question to be, as above represented :—What is the North-West angle of Nova Scotia, and what are the Highlands which divide the waters that empty themselves into the river St. Lawrence from those that fall into the Atlantic Ocean?—His Majesty proceeds to recapitulate at considerable length, the arguments which have been urged by the two parties in favor of their respective pretensions, compares their forces, and finally concludes that there is not sufficient evidence on either side, to justify a decision. The language of this part of the award, according to the translation officially communicated from the Department of State, is as follows :

“ The arguments adduced on either side, and the documents exhibited in support of them, cannot be considered as sufficiently preponderating to determine a preference in favor of one [*either*] of the two lines respectively claimed by the High Interested Parties, as the boundaries of their possessions, from the sources of the river St. Croix, to the Northwesternmost head of the Connecticut river ; and the nature of the difference,

and the vague and not sufficient determinate stipulations of the treaty of 1783, do not permit to adjudge either of those lines to one of the two parties, without wounding the principles of law and equity in regard to the other."

The Convention of 1827, had contemplated and provided for the case in which the arguments and facts contained in the statements, should not be considered by the arbiter as sufficiently satisfactory to authorize a decision in favor of either party. Under these circumstances, he was to be furnished with such additional elucidations, whether of the facts or principles in question, as he might deem necessary. The article containing this stipulation, is as follows :

"In order to facilitate the attainment of a just and sound decision on the part of the arbiter, it is agreed that in case the said arbiter should desire further elucidation or evidence, in regard to any specific point contained in any of the said statements submitted to him, the requisition for such elucidation or evidence shall be simultaneously made to both parties, who shall thereupon be permitted to bring further evidence, if required, and to make each a written reply to the specific questions submitted by the said arbiter, but no farther, and such evidence and replies shall be immediately communicated by each party to the other.

"And in case the arbiter should find the topographical evidence, laid, as aforesaid, before him, insufficient for a sound and just decision, he shall have the power of ordering such additional surveys to be made of any portion of the disputed boundary line, or territory, as he may think fit, which survey shall be made at the joint expense of the contracting parties, and be considered as conclusive by them."



The case here anticipated having actually occurred, it would have appeared natural, that the royal arbiter should have taken the course prescribed in the Convention, and called for additional evidence. Instead of this, after declaring, in the passage quoted above, that the statements, with which he has been furnished, were not sufficient to enable him to decide in favor of either party, he proceeds to assign reasons why he does not avail himself of the faculty afforded him by the Convention, of calling for additional evidence. The case, it seems, was not susceptible of any further elucidation.

“As has been already said, the question resolves itself into a selection to be made of a ground dividing the rivers that empty themselves into the River St. Lawrence from those that fall into the Atlantic Ocean; and as the High Contracting Parties are agreed, with regard to the course of the streams delineated by common accord on the map A, and affording the only basis of a decision, therefore the circumstances upon which the decision (*must be founded*) could not be further elucidated, by means of fresh topographical investigations, nor by the production of additional documents.”

The arbiter having thus declared, that the case was not susceptible of a decision upon the evidence, with which he had been furnished, and also, that it was not susceptible of any further elucidation by means of additional evidence, seems to have had no alternative left, but to close the proceedings, and resign his functions, without giving any opinion. Instead of this, however, after alleging his inability to pronounce a decision in favor of the line claimed by either party, he attempts to settle the difference in another way, and recommends the adoption of an entirely new boundary, not previously contemplated, or claimed on either side, and having

no pretence of foundation or support in the terms of any of the treaties. The language, which conveys this extraordinary recommendation, is as follows :

“ We are of opinion, that it will be suitable to adopt, as the boundary of the two States, a line drawn due North from the River St. Croix, to the point where it intersects the middle of the channel of that river, ascending it to the point where the river St. Francis empties itself into the river St. John, down the middle of the channel of the river St. Francis, ascending it to the source of its Southwesternmost branch, which source we indicate on the map A, by the letter X, authenticated by the signature of our Minister of Foreign Affairs ; thence a line drawn due West to the point where it unites with the line claimed by the United States of America, and delineated on the map A ; thence said line to the point at which it coincides with that claimed by Great Britain, and thence the line traced on the map by the two powers to the Northwesternmost head of Connecticut River.”

This recommendation terminates the King's proceedings in regard to the question of the North-Eastern boundary. According to the terms of the Treaty of Ghent, as above quoted, the two parties engage to consider the decision of the arbiter as final and conclusive on all the matters referred to him : and it is stipulated, in the convention of 1827, that the decision of the arbiter, when given, shall be taken as final and conclusive, and shall be carried, without reserve, into immediate effect, by Commissioners appointed for that purpose by the contracting parties. But, as this recommendation of an entirely new boundary is not a decision of any of the points referred to the arbiter, and is declared by himself not to be so, it is of course not bind-

ing as a decision under the stipulations of the treaties. It is hardly necessary to add, that, as the mere recommendation of a friendly Sovereign, given without authority upon a point not submitted to him, it can have no obligatory character, however justly it may be entitled to the most respectful consideration. As the Committee cannot suppose that this will be considered by any one as a doubtful principle, they deem it unnecessary to multiply arguments in support of it. They will merely refer, in illustration of the abuses that would result from the adoption of a contrary principle, to the celebrated case of Bruce and Baliol, rival pretenders to the crown of Scotland, who submitted the decision of their respective claims to Edward I., then King of England, sometimes called the English Justinian. In this case, as in the one submitted to the King of the Netherlands by Great Britain and the United States, the arguments and evidence furnished by the parties, were not considered sufficient to authorize a decision in favor of either; and, in order that the difference might not remain unsettled, the English Justinian adjudged the crown of Scotland to himself. It will hardly be pretended, that this proceeding was conformable to the rules of national law; but it would have been fully justified by any principle which would give to the recommendation of a new boundary by the King of the Netherlands an obligatory power over the governments of Great Britain and the United States. If an arbiter have a right to travel out of the record of the submission, and give opinions having the force of law, upon questions not referred to him, it is obvious, that there are no limits to his authority, and that the reference, by two governments, of any question, however unimportant, to the arbitration of a third, amounts to a com-

plete and unconditional surrender of the national rights and independence of both.

The recommendation of the king of the Netherlands is therefore not binding upon either government. It is nevertheless entitled to very respectful consideration. It is the suggestion of a friendly sovereign, made with the best intentions, and under an impression that the adoption of it would be mutually and equally advantageous to both the parties. Although it can have no obligatory character, it may be proper to inquire, whether it is right and expedient that the government of the United States should voluntarily accede to it, and give it effect.

Supposing the question of expediency to be entirely open, the Committee are unable to perceive any very strong reasons for deciding it in the affirmative. They are not aware, that any material inconvenience can result from a further delay in the survey of the North-Eastern boundary, as determined by the treaty of 1783, while the adoption of the recommendation of the king of the Netherlands would involve the sacrifice of a considerable tract of territory, and an acquiescence, to a certain extent at least, in pretensions on the part of the British agents, which are too extravagant to be regarded for a moment as entitled to serious attention. But the Committee will not enlarge upon the considerations belonging to the question of expediency, because they conceive that this question is precluded by the preliminary one of Constitutional right. The Government of the United States have no constitutional authority to cede to a foreign state any portion of the territory belonging to any one of the states composing the Union, without the consent of such state. They can, without a violation of this rule, settle such questions relating to

the boundaries of the Union as were left doubtful by the treaty of 1783, because it is only by the settlement of these questions, that the extent of the territory of the border states can be ascertained. But the situation of the Highlands, which, according to the treaties, form the northern boundary in this quarter, is not represented, either in the treaty of 1783, or in that of Ghent as a doubtful point. The latter treaty provides for ascertaining the point where a certain line strikes the Highlands, and for surveying another line which is described as running in a westerly direction along the Highlands. No provision is made for ascertaining the situation of the Highlands, which is spoken of as known. The Government of the United States had therefore no Constitutional right to allow it to be drawn in question by England, still less to submit it to arbitration ; and had the King of the Netherlands decided against us on this question, the Committee believe, as they have already remarked, that the act would have been wholly null and void, from a defect of authority in the Government of the United States to make the submission. The only uncertainty which exists in regard to this part of the boundary, results from the want of an accurate survey of a line, the general course of which is well defined. The Government of the United States had a right to cause this line to be surveyed, without regard to the effect which the survey might have upon the extent of the supposed territory of Maine in that quarter. Farther than this, it had no authority to go, without the consent of Massachusetts and Maine. But the acceptance of the recommendation would deprive these States of a large tract of territory which, under any imaginable result of the survey, would certainly belong to them, and it is therefore a measure which the Gov-

ernment of the United States has no right to adopt, without the consent of both States. As the State of Maine has solemnly protested against its adoption, it is wholly beyond the competency of the Government of the United States to adopt it, whatever might be the opinion of Massachusetts. But as Massachusetts is directly interested in the question as well as Maine, it is obviously proper, that her opinion also should be made distinctly known.

Under these impressions of the merits of the case, and of the course best fitted under present circumstances to promote the honor and interest of the Commonwealth, the Committee offer, for the consideration of the General Court, the following preamble and resolves.

All which is respectfully submitted.

By order of the Committee,

A. H. EVERETT.

WHEREAS the Commonwealth of Massachusetts, as proprietor of large tracts of land in the State of Maine, is directly interested in the measures that may be adopted by the Government of the United States, for the purpose of defining and settling the North-Eastern boundary thereof, and whereas, the subject being now under the consideration of the Government of the United States, it is expedient that the General Court should express their opinion thereupon, to the end that the Senators and Representatives of the Commonwealth in Congress may be the better enabled to understand and give effect to the intentions of their constituents, therefore,

*Resolved*, by the Senate and House of Representatives, in General Court assembled, that the Government of the United States possesses the constitutional right

to ascertain and settle, by negotiation with foreign powers, arbitration, or otherwise, such parts of the boundary lines of the said States, as were left doubtful by the Treaty of Peace of 1783, but that the said Government does not possess the constitutional right to alter, by negotiation with foreign powers, arbitration, or otherwise, the boundary lines of the said States, so far as the same were ascertained and settled by the said treaty, to the prejudice of the territorial or other rights of any State, without the consent of such State previously obtained.

*Resolved*, That, in the second article of the Treaty of Peace of 1783, it is agreed and declared, that the Northern boundary line of the United States begins at the point where a line, drawn due North from the source of the river St. Croix, strikes the Highlands, and that it runs in a Westerly direction along the said Highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean: that the situation of the said Highlands is, and was, at the time of the conclusion of said treaty, a matter of public notoriety, the same being one of the great geographical features of the country, indicated on all the maps, and repeatedly recognized in various official documents by the British Government: that, as far as the situation of the said Highlands is concerned, the Northern boundary line was ascertained and settled by the treaty of 1783, and that the Government of the said United States has no constitutional right to alter the same as then ascertained and settled, whether by negotiation with foreign powers, arbitration, or otherwise, to the prejudice of the territorial or other rights of any State, without the consent of such State previously obtained.

*Resolved*, That it was agreed, by the fifth article of

the Treaty of Ghent, that Commissioners should be appointed, by the Governments of Great Britain and the United States, to survey the Northern boundary line of the said States, as ascertained and settled by the treaty of 1783, and that, in the event of a disagreement between the said Commissioners, the matters in dispute between them should be referred to some friendly Sovereign, to be named as arbiter, in the manner described in the said fifth article, but that it was not the intention of the said Governments, and is not provided or agreed in the said fifth article, that the said Commissioners should inquire into and determine the situation of the aforesaid Highlands, the same being, as aforesaid, a matter of public notoriety :—that the Government of the United States, in permitting the same to be made a question by the said Commissioners, and to be by them submitted to the arbitration of the King of the Netherlands, without the consent of Massachusetts and Maine previously obtained, exceeded its constitutional powers, and that any decision which the said King might have given upon said question, would have been entirely null and void, for want of a constitutional power in the Government of the United States to make the submission.

*Resolved*, That it appears, from the document communicated to the Government of the United States by the said King, as the result of his proceedings in the arbitration committed to him, in conformity to the fifth article of the Treaty of Ghent, by the Governments of Great Britain and the United States, that the said King has not decided any of the questions relating to the North-Eastern boundary of the said States, which were submitted to him by the Commissioners of the two Governments, having declared, for reasons contained in the



said document, that said questions are not susceptible of any decision ; and that the aforesaid document, so communicated by the King of the Netherlands, not containing any decision of the questions submitted to him, as aforesaid, by the said Commissioners, is not binding upon the Governments of Great Britain and the United States, or either of them, as a decision, either by the ordinary rules of international law, or by the stipulations of the treaties, which settled the form of the arbitration.

*Resolved*, That the recommendation contained in the aforesaid document, so communicated by the King of the Netherlands, of an entirely new boundary line between certain parts of the possessions of Great Britain and the United States, being merely the suggestion of a friendly Sovereign, made without authority, upon a subject not submitted to him, though entitled to respectful consideration, is not obligatory upon either of the parties to the arbitration ; and that the United States are not bound, either by the ordinary principles of international law, or by the stipulations of the treaties, which settled the form of the arbitration, to adopt the said line, so recommended, as a part of their North-Eastern boundary.

*Resolved*, That the adoption of the said line, so recommended by the King of the Netherlands, as a part of the North-Eastern boundary of the United States, would deprive this Commonwealth and the State of Maine of large tracts of territory, which, upon any imaginable result of such survey of the Northern and Eastern boundaries, as is authorized by the Fifth Article of the Treaty of Ghent, belong respectively, in sovereignty and property, to the said State and the said Commonwealth.

*Resolved*, That the Government of the United States

has no constitutional right to cede any portion of the territory of the States composing the Union, to any foreign power, or to deprive any State of any land, or other property, without the consent of such State, previously obtained ; and that the adoption of the aforesaid new boundary line, recommended, as aforesaid, by the King of the Netherlands, without the consent, previously obtained, of the States of Massachusetts and Maine, would be a violation of the rights of jurisdiction and property, belonging respectively to the said States, and secured to them by the Federal Constitution ; and that any act, purporting to have such effect, would be wholly null and void, and in no way obligatory upon the Government or People of either of the said States.

*Resolved*, That as the adoption, by the Government of the United States, of the aforesaid new boundary line, so recommended by the said King of the Netherlands, would deprive the Commonwealth of Massachusetts of large tracts of land, without equivalent, it is not expedient for the said Commonwealth to give consent thereto ; and that the General Court hereby solemnly protest against such adoption, declaring, that any act, purporting to have such effect, will have been performed without the consent of the Commonwealth, and in violation of the rights thereof, as secured by the Federal Constitution, and will be consequently null and void, and in no way obligatory upon the Government or people.

*Resolved*, That the General Court have received with satisfaction the communication made to them through His Excellency the Governor, from the Government of the State of Maine, of the proceedings of the said Government, upon this subject ;—that they reciprocate the friendly sentiments, which have been expressed on this

occasion, by that Government, and will readily and cheerfully cooperate with the State of Maine, in such measures as shall be best calculated to prevent the adoption, by the Government of the United States, of the new boundary line, recommended, as aforesaid, by the King of the Netherlands.

*Resolved*, That the Senators of the Commonwealth, in Congress, be instructed, and the Representatives thereof requested, to use their influence to prevent the adoption, by the Government of the United States, of the aforesaid new boundary.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of these Resolves, and of the Report preceding them, to each of the Senators and Representatives of the Commonwealth in Congress, to His Excellency the Governor of Maine, and to the Governors of all the other States in the Union.

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## CHAP. XXV.

*Resolve to authorize John Gray, Guardian of Eliza Gray, to release her lien on certain real estate in the city of Boston.*

February 16, 1832.

Whereas it appears from the petition of Frederick T. Gray, of Boston, in the county of Suffolk, that Mary Turell, late of said Boston, widow, deceased, in and by her last will and testament, did bequeath to Eliza Gray, of said Boston, singlewoman, and a person non compos mentis, an annuity of seven hundred dollars during her

natural life ; said Mary also gave annuities to Mary Ann Fales and to John Gray, Jr. and afterwards devised all her real estate to said Frederick T. Gray, the effect of which devise is to give said annuitants a lien on such real estate.

And whereas, it further appears from said petition, that said real estate consists of a parcel of land in Hanover street, in said Boston, with the buildings thereon, appraised at ten thousand dollars, also of a parcel of land in Brattle Square, in said Boston, with four old houses thereon, appraised at thirty thousand five hundred eighty-eight dollars, which last mentioned estate produces an income of eight hundred twenty dollars only, annually, and by reason of the lien of said Eliza, said Frederick is unable to sell or improve the same.

*Therefore resolved*, That John Gray, of said Boston, as Guardian of said Eliza, be and he is hereby authorized and empowered to execute to said Frederick T. Gray, a release in due form of law, of all said Eliza's lien and claim as aforesaid, on said lot of land and estate in said Brattle Square, on receiving from said Frederick satisfactory security, in the way of mortgage of real estate, for the punctual payment of said annuity to said Eliza, to be approved by the Judge of Probate for the county of Suffolk : *Provided*, that said Eliza's lien on said estate in Hanover street, shall be preserved, and that said Mary Ann Fales and John Gray, Jr. shall severally release their lien thereon.

## CHAP. XXVI.

*Resolve on the Accounts of the Land Agent.*

February 17, 1832.

The joint committee on public lands, to whom was referred the report, schedule and accounts of George W. Coffin, Land Agent of this Commonwealth, have examined his account, wherein he charges himself with the sum of thirty-five thousand seven hundred and sixty-six dollars and eighty cents, received in money and securities for the sales of land, from the first day of February, 1831, to the first day of February, 1832. And has paid into the Treasury, in money and securities, which together with payments for surveys and other incidental charges, including his own services as Agent, amount to a sum equal to the above receipts—all which is right cast and well vouched.

A. H. EVERETT, *Chairman.*

*Therefore resolved,* That George W. Coffin, agent for selling the public lands in the state of Maine, be, and he is hereby discharged from the payment of the sum of thirty-five thousand seven hundred and sixty six dollars, and eighty cents, specified in his account.

## CHAP. XXVII.

*Resolve authorizing the Secretary to purchase and distribute the 2d part of the 3d vol. General Laws, &c.*

February 21, 1832.

*Resolved*, That the Secretary of the Commonwealth be authorized and directed to purchase of Messrs. Hilliard, Gray, and Company, at one dollar a volume, four hundred copies of the second part of the third volume of the General Laws, lately published, in continuation of the volumes of the General Laws lately published by Theron Metcalf, Esq.

*Resolved*, That the said copies be distributed as follows :—two to the library of the General Court, four for the use of each branch of the Legislature, one for each town in the Commonwealth, one for each judge of the Supreme Judicial Court, the Court of Common Pleas, the Probate Courts, and the Municipal Court of the city of Boston, one for each of the Executive Departments, one for each of the court houses in the several counties, two for the Council Chamber.

*Resolved*, That His Excellency the Governor be authorized to draw his warrant on the Treasurer, to defray the expense of the aforesaid purchase.

*Resolved*, That the Secretary of this Commonwealth be directed to furnish to each of the keepers of gaols, in the several counties therein, and to each of the keepers of houses of correction, not being keepers of gaols, and to the warden of the State Prison, one copy of the volumes of the General Laws, published under a resolve of the Legislature of February 22d. in the year of our Lord

one thousand eight hundred and twenty-two, and of the first and second parts of the third volume of said laws, in continuation, published by Theron Metcalf, Esq. Also one copy of the pamphlet laws of said Commonwealth, which may hereafter be published for distribution, pursuant to resolves now in force.

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## CHAP. XXVIII.

*Resolve for admitting Albert F. Barnard, to the American Asylum, at Hartford.*

February 21, 1832.

*Resolved*, That Albert Folger Barnard, of Nantucket, be placed upon the list of persons supported by this Commonwealth, at the Deaf and Dumb Asylum, at Hartford, agreeably to the provisions of the resolves providing for the support of a certain number of deaf and dumb persons at the expense of the Commonwealth.

## CHAP. XXIX.

*Resolve making a further appropriation for the General Survey of the Commonwealth.*

February 23, 1832.

*Resolved*, That His Excellency the Governor, with the advice of the Council, be, and he is hereby authorized to draw his warrant, from time to time, upon the Treasurer of the Commonwealth, for any sum or sums not exceeding five thousand six hundred dollars, in addition to the sums heretofore appropriated, which may be necessary to carry more fully into effect the resolves authorizing the appointment of a surveyor, to make a general survey of the Commonwealth, passed on the third day of March, A. D. 1830, and the resolves in addition thereto, and further authorizing the appointment of a suitable person to make a geological examination of the Commonwealth, passed on the fifth day of June, A. D. 1830.



## CHAP. XXX.

*Resolve providing for a revision of the General Statutes of the Commonwealth.*

February 24, 1832.

*Resolved*, That His Excellency the Governor, by and with the advice and consent of the Council, be, and hereby is authorized and requested to appoint three able and discreet persons, learned in the law, to be Commissioners, whose duty it shall be faithfully to revise, collate and arrange, as well the colonial and provincial statutes, as all other the general statutes of the Commonwealth, which are or may be in force at the time such commissioners may finally report their doings in the premises. And such commissioners shall carefully collect the different acts and parts of acts relating to the same subject matter, and collate and arrange the same under appropriate chapters, titles and sections, and in all respects execute and complete said revision in such a manner, as, in their opinion, will render the said general laws, most concise, plain and intelligible.

*Resolved*, That it shall be the duty of said commissioners, in the report of their doings, to suggest such contradictions, omissions, or imperfections, as may appear in the laws, so to be revised, and the mode in which the same may be reconciled, supplied, or amended ; and they shall, from time to time, report to the General Court, their progress and doings, under their said commission, to the end, that such revision may be completed as soon as may be.

## CHAP. XXXI.

*Resolve respecting "Boston South Bridge."*

February 27, 1832.

*Resolved*, That, unless the proprietors of Boston South Bridge, shall, on or before the fifteenth day of March next, surrender to the Commonwealth, the franchise of said bridge, the Attorney General be and hereby is directed, immediately thereafter, to file, in the proper tribunal, an information, in the nature of a quowarranto, against said proprietors, to the end that the franchise of said bridge may be adjudged forfeit, and to take all necessary measures to bring the matter to speedy and final determination.

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## CHAP. XXXII.

*Resolve in favor of John F. Clark.*

February 27, 1832.

On the petition of John F. Clark, keeper of the House of Correction in the County of Worcester, praying that his accounts for the support of state paupers in said House of Correction, between the twenty third day of May 1823, and the first day of June 1829, may be allowed and paid by the Commonwealth.

*Resolved*, That there be allowed and paid, out of the treasury of this Commonwealth, to John F. Clark, for the reasons above set forth, the sum of three hundred thirty three dollars and sixteen cents; and His Excellency the Governor, with the advice of Council, is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. XXXIII.

*To the Honorable Senate and  
House of Representatives :*

Major General Jabez Hall, after more than twenty years of valuable service in various stations of rank in the Militia, has recently resigned his command of the seventh division, and been honorably discharged. The constitution devolves the duty of supplying the vacancy upon the two Houses of the Legislature.

LEVI LINCOLN.

*Council Chamber, February 28, 1832.*

## CHAP. XXXIV.

*To the Honorable Senate and  
House of Representatives ;*

I submit to your consideration, in compliance with a request communicated to me by the Governor of Indiana, a copy of a Resolution of the General Assembly of that State, responding with approbation to certain Resolutions of the Senate and House of Representatives of the State of Delaware, in favor of a provision by Congress, for compensation to all the Surviving Officers and Soldiers, and the Militia, who bore Arms in the War of the Revolution, and recommending “the passage of a Law having for its object, a subject so congenial to the wishes of a free and happy People, and at the same time, so righteous and so loudly called for by Gratitude and Justice.”

Also a copy of another Resolution of the same General Assembly, conveying instructions to the Senators and Representatives of that State in Congress, “to use their exertions, both by their votes and influence, to procure the passage of a Law providing for a more perfect and uniform organization of the Militia of the several States of the Union, in pursuance of the Constitution of the United States.” On this latter subject, I have reason to believe, that a Committee of the House of Representatives of Congress are maturing a Bill, which if not already, soon will be reported.

LEVI LINCOLN.

*Council Chamber, February 29, 1832.*

## CHAP. XXXV.

*Resolve on the petition of Matthew Metcalf and others.*

March 2, 1832.

On the petition of Matthew Metcalf and Elijah Fitch, of Hopkinton, in the county of Middlesex, and Nathaniel Rawson, of Milford, in the county of Worcester.

*Resolved*, That, for reasons set forth in said petition, the said Matthew Metcalf be, and he is hereby authorized and empowered, in his capacity of guardian to Elijah Rawson, Obed Rawson, Cyrus Rawson, and Dennis Rawson, minors and children of the said Nathaniel Rawson, to sell at private sale, all the right, title and interest of the several minor children above named, being five undivided sixth parts of the following lots of land, subject to the improvement of their father as tenant by the courtesy, situate in Hopkinton aforesaid, to wit: one certain parcel of land situate near the said Elijah Fitch's house, containing, by estimation, forty acres, and is bounded westerly by the road leading from Hopkinton to Holliston, southerly by land of Abijah Ellis: easterly by land of Carleton Corbett, and by land formerly owned by Elisha Hayden, and northerly by land of Elisha Haven, Simpson Jones, the heirs of John Adams, and by land of the said Elijah Fitch.

Also one other parcel of land situate in the great Cedar Swamp, (so called) containing by estimation sixteen acres, and is bounded easterly by land of Nancy Fitch, southerly by land of the heirs of Winslow Claflin, westerly by land of Joseph Valentine, John Claflin, Alanson Briggs, and Ephraim Read, and northerly by land of Ma-

ry Valentine : and, by deed duly executed, acknowledged, and recorded, to convey the same to the said Elijah Fitch, in as full and ample a manner as said minor children could were they of full age ; and the proceeds thereof, after deducting incidental charges, to reinvest in real estate, situate in Hampton, in the county of Windham, and state of Connecticut, and owned by the said Elijah Fitch, and lies in common and undivided with the real estate of said minor children, by a deed in the name of said minor children, and for the benefit of them and their heirs and assigns, reserving for the said Nathaniel Rawson, the father of said minor children, the same right in the land conveyed to said minor children, which he now holds in their real estate, so that said minor children shall have and hold, to them and their heirs and assigns, said real estate, to be conveyed to them in the same way and manner that they would have held the land herein authorized to be sold and conveyed, if this resolve had not passed. *Provided*, that the said Nathaniel Rawson, the father of said minor children, assents thereto, and joins in the conveyance of the property to the said Elijah Fitch, and *provided also*, that the said guardian first give bond to the judge of probate for the county of Middlesex, with surety to the acceptance of said judge, for the faithful performance and execution of the powers and authority hereby given.

## CHAP. XXXVI.

*Resolve on the Petition of George Whitney, guardian of  
Ira Fuller.*

March 2, 1832.

*Resolved*, For the reasons set forth in said petition, that George Whitney, of Natick, in the county of Middlesex, guardian of Ira Fuller of said Natick, be, and hereby is authorized, at any time within two months after the passing of this resolve, to make and file in the Probate Office, in said county of Middlesex, his affidavit, setting forth the time, place and manner in which he gave notice of the sale of certain real estate of his said ward situated in Natick, in said county of Middlesex, and which he, the said George, was licensed to sell by virtue of an order from the Supreme Judicial Court, begun and holden at Boston, within and for the county of Suffolk, on the second Tuesday of November in the year of our Lord one thousand eight hundred and twenty nine, and such reasonable notice being given to all persons interested in such real estate, as the said judge of probate shall order, to appear and shew cause, if any they have, why such affidavit should not be filed as aforesaid, and no such persons interested as aforesaid appearing and shewing good cause to the contrary, such affidavit, being so filed, shall be evidence of the time, place and manner in which such notice of sale was given, and be as effectual for all purposes as if the same had been made and filed in said Probate Office within the time prescribed by law.

## CHAP. XXXVII.

*Resolve on the petition of Lora Lathrop.*

March 2, 1832.

On the Petition of Lora Lathrop, of West Springfield in the county of Hampden, guardian of her children Henry Lathrop and Jere S. Lathrop, minors, praying for license to sell and convey the interest of said minors in certain real estate.

*Resolved*, for the reasons set forth in said petition, that the said Lora Lathrop be, and she is hereby authorized and empowered to sell at public or private sale, and to execute and deliver a deed or deeds to convey the interest of the said Henry Lathrop, and Jere S. Lathrop, in and to the following described real estate, lying in West Springfield, devised to them by the will of the late Rev. Joseph Lathrop, deceased, viz : one undivided moiety of a lot of land lying in the first parish in said West Springfield, bounded southerly on the highway, westerly, partly on the highway, and partly on land of Samuel Lathrop, northerly on land of said Samuel, and easterly partly on land of said Samuel, and on the school house lot, containing about three acres, with a dwelling house thereon. Also, one undivided moiety of another lot of land lying in Ball Swamp, so called, bounded southerly on Agawam River, westerly on land of Elias Champion, and easterly on land of Samuel Lathrop, containing about three acres. Also one undivided moiety of a lot of land in the Sands, (so called,) bounded northerly on the highway, easterly on land of Bezaleel Howard, south-



erly on Agawam river, and westerly on land of Simeon Smith, containing about eight acres. Also one undivided moiety of another lot of land at Gooseberry, (so called,) bounded westerly by land of the heirs of Seth Lathrop, deceased, northerly and easterly by land of Reuben Champion, and southerly by land of Samuel Lathrop, containing about six acres. *Provided*, that the other coheirs of said estates, and the said Lora, shall, at the same time, sell and convey their respective interests in said parcels of real estate. And that the said Lora shall first give bond with sufficient sureties to the judge of probate for the said county of Hampden, that the proceeds of the interest of the said minors in said real estate, shall be put at interest on good security, and the interest or income thereof be appropriated and paid over agreeably to the provisions of the will of said Joseph Lathrop, deceased, under the direction of said judge of probate.

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## CHAP. XXXVIII.

## STATE VALUATION.—1831.

*To the Hon. Senate and House of Representatives of the Commonwealth of Massachusetts :*

The Committee, appointed by an order of the last Legislature, passed on the 6th day of June, 1831, convened at the State House, in the city of Boston, on the twenty-third day of November, attended by Charles Calhoun, Esq. whom they had elected a clerk to keep a journal of their proceedings, and proceeded to perform the duties required by said order.

The returns of the Assessors of the several towns and districts within the Commonwealth, made in pursuance of an act, passed the 19th day of March, 1831, entitled "an act to ascertain the ratable estates within this Commonwealth," having been, by a provision of said act, examined by clerks employed by the Secretary of the Commonwealth, the Committee proceeded to estimate the several items of taxable property so returned, according to their true value, from the best information in their power to obtain. The Journal of the Committee, which is herewith submitted, will furnish a complete history of their proceedings. In exercising the discretionary powers with which the Committee were invested, they have endeavored to proceed with great caution, and they believe they have decided with integrity after due deliberation.

They submit the following apportionment of the sum of one thousand dollars on the several towns and districts of the Commonwealth, as the ratio by which in future they are to be assessed, for the consideration of the Legislature.

By order of the Committee,

CHARLES WELLS, Chairman.

Boston, January 3d, 1832.

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*Commonwealth of Massachusetts.*

IN SENATE, MARCH 2, 1832.

The Joint Special Committee, to whom was recommended the Report of the Valuation Committee as amended by the two Houses, with instructions to report a new apportionment of \$1000 tax, on the several towns and districts, in conformity thereto have performed that

duty, and herewith report, in a new draft, the apportionment of \$1000, agreeably to said instructions.

By order of the Committee,

SAMUEL P. LOUD.

IN SENATE, MARCH 2, 1832.

Read and accepted.

Sent down for concurrence,

CHAS. CALHOUN, Clerk.

HOUSE OF REPRESENTATIVES, MARCH 2, 1832.

Accepted in concurrence.

L. S. CUSHING, Clerk.

## VALUATION,

*As amended by the Legislature, taken into a new Draft,  
and adopted March 2, 1832.*

### COUNTY OF SUFFOLK.

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
14120	Boston	80,000,000 00	329 33
187	Chelsea	244,261 25	1 18
14307		\$80,244,261 25	\$330 51

## COUNTY OF ESSEX.

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
633	Amesbury	472,177 89	2 64
1177	Andover	1,162,726 70	6 00
452	Bradford	369,531 83	2 00
222	Boxford	282,379 21	1 38
1048	Beverly	973,029 06	5 10
972	Danvers	1,518,763 73	7 14
336	Essex	322,297 99	1 67
1857	Gloucester	914,427 34	5 88
962	Haverhill	926,556 38	4 81
175	Hamilton	211,888 90	1 04
678	Ipswich	577,142 31	3 10
1639	Lynn	758,177 86	5 00
158	Lynnfield	116,751 19	65
1376	Marblehead	1,241,808 02	6 56
581	Methuen	432,102 70	2 41
170	Middleton	145,333 78	78
328	Manchester	260,605 25	1 42
841	Newbury	846,173 34	4 35
1469	Newburyport	2,165,967 28	10 28
598	Rowley	447,295 19	2 49
695	Salisbury	577,690 00	3 12
264	Saugus,	193,623 89	1 08
3194	Salem	8,515,091 75	37 18
239	Topsfield	361,022 08	1 70
153	Wenham	157,407 13	80
447	West Newbury	385,964 77	2 06
20664		\$24,335,935 57	\$120 64

## COUNTY OF MIDDLESEX.

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1/4 mill each.
306	Acton	212,691 00	1 19
338	Ashby	266,285 00	1 44
215	Bedford	186,888 00	99
314	Billerica	368,612 00	1 78
126	Boxboro'	138,660 00	69
264	Brighton	399,371 00	1 85
158	Burlington	127,220 00	68
1580	Cambridge	1,732,048 00	8 57
155	Carlisle	155,333 00	78
2021	Charlestown	2,441,167 00	11 82
416	Chelmsford	355,751 00	1 89
481	Concord	499,874 00	2 50
418	Dracut	436,110 00	2 19
145	Dunstable	167,401 00	82
237	East Sudbury	240,888 00	1 22
552	Framingham	604,355 00	3 00
487	Groton	551,142 00	2 71
394	Holliston	309,392 00	1 67
491	Hopkinton	443,906 00	2 30
426	Lexington	372,405 00	1 95
164	Lincoln	211,743 00	1 01
227	Littleton	219,566 00	1 11
1816	Lowell	2,401,288 00	11 40
530	Malden	363,878 00	2 04
515	Marlborough	640,459 00	3 08
421	Medford	931,050 00	4 07
259	Natick	234,624 00	1 21
546	Newton	635,838 00	3 10

COUNTY OF MIDDLESEX—*Continued.*

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
370	Pepperell	296,261 00	1 59
511	Reading	385,501 00	2 11
254	Sherburne	274,412 00	1 37
241	Shirley	220,772 00	1 14
412	South Reading	247,084 00	1 46
218	Stoneham	151,373 00	85
382	Sudbury	368,560 00	1 88
315	Stow	280,765 00	1 46
418	Tewksbury	333,597 00	1 80
218	Tyngsboro <sup>7</sup>	218,124 00	1 10
374	Townsend	282,827 00	1 55
469	Waltham	733,085 00	3 38
428	Watertown	549,237 00	2 61
323	West Cambridge	331,926 00	1 68
322	Weston	369,119 00	1 80
305	Westford	346,144 00	1 69
193	Wilmington	186,842 00	96
569	Woburn	455,030 00	2 44
<hr/>		<hr/>	<hr/>
20324		\$21,682,609 00	\$107 93
Deduct by vote of Legis-			
lature		500,000 00	
		<hr/>	
		\$21,182,609 00	

The proportion of the \$1000 payable on the \$500,000, deducted from the aggregate, is deducted from the towns in exact proportion.

## COUNTY OF WORCESTER.

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
346	Athol	270,368 00	1 48
407	Ashburnham	253,215 00	1 49
671	Barre	621,499 00	3 27
182	Berlin	152,382 75	82
218	Boylston	208,303 50	1 08
327	Bolton	288,110 50	1 52
620	Brookfield	548,774 60	2 92
521	Charlton	569,837 00	2 88
154	Dana	110,957 25	63
417	Douglas	316,448 00	1 76
521	Dudley	431,779 50	2 34
578	Fitchburg	406,879 75	2 31
297	Gardner	198,025 50	1 14
596	Grafton	551,189 25	2 90
426	Hardwick	476,185 00	2 39
417	Harvard	357,549 33	1 87
411	Holden	367,714 00	1 94
420	Hubbardston	314,467 00	1 75
491	Lancaster	375,452 50	2 07
444	Leicester	461,078 70	2 35
330	Lunenburg	307,202 20	1 60
506	Leominster	382,468 75	2 13
" No town" voted not to value.			
830	Mendon	762,548 05	4 01
508	Millbury	375,540 00	2 10
408	Milford	290,264 00	1 64
193	New Braintree	305,296 00	1 43
231	Northbridge	209,655 00	1 10

COUNTY OF WORCESTER—*Continued.*

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
283	Northboro'	261,016 50	1 37
380	North Brookfield	304,245 75	1 66
240	Oakham	230,579 83	1 20
491	Oxford, including Gores	594,038 20	2 92
175	Paxton	143,284 66	77
448	Petersham	444,605 50	2 30
261	Phillipston	260,372 50	1 34
313	Princeton	348,293 00	1 74
328	Royalston	340,598 00	1 74
331	Rutland.	371,141 83	1 86
383	Southbridge	314,312 00	1 70
289	Southboro'	236,633 00	1 29
375	Shrewsbury	325,169 66	1 73
426	Spencer	391,959 00	2 07
471	Sterling	411,748 75	2 20
431	Sturbridge	461,710 00	2 34
467	Sutton	491,953 00	2 51
418	Templeton	378,358 00	2 01
302	Upton	278,514 58	1 46
440	Uxbridge	607,921 50	2 93
172	Ward	162,592 00	85
378	Westborough	324,608 75	1 74
245	West Boylston	230,620 50	1 20
311	Western	312,936 00	1 62
430	Westminster	339,006 00	1 85
361	Winchendon	329,335 75	1 72
1231	Worcester, including an unincorporated tract adjoining	2,357,896 30	10 73
21,850		\$21,166,640 68	\$109 77



## COUNTY OF HAMPSHIRE.

Polls	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
605	Amherst	458,248 75	2 54
643	Belchertown	408,075 75	2 40
290	Cummington	217,149 38	1 20
325	Chesterfield	217,537 50	1 27
242	Enfield	192,083 00	1 05
168	Easthampton	107,048 25	63
149	Goshen	113,679 00	63
266	Granby	191,309 00	1 07
191	Greenwich	119,700 00	70
233	Hatfield	319,379 16	1 54
443	Hadley	345,217 33	1 90
206	Middlefield	166,343 00	90
186	Norwich	131,426 00	74
856	Northampton	805,245 50	4 22
248	Plainfield	181,674 00	1 02
222	Pelham	151,373 25	87
174	Prescott	120,991 00	69
317	Southampton	201,133 00	1 18
288	South Hadley	188,047 00	1 09
274	Worthington	261,608 00	1 36
209	Westhampton	163,524 00	89
342	Williamsburg	252,018 50	1 41
470	Ware	290,445 50	1 72
7347		\$5,603,255 87	\$31 02

## COUNTY OF HAMPDEN

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
402	Blandford	331,579 00	1 79
387	Brimfield	403,732 00	2 05
355	Chester	213,153 65	1 27
379	Granville	277,358 00	1 56
116	Holland	82,941 00	47
305	Ludlow	285,423 08	1 49
327	Long Meadow	300,172 50	1 58
171	Montgomery	73,184 00	50
534	Monson	459,519 00	2 46
285	Palmer	256,428 00	1 36
126	Russell	74,005 67	45
333	Southwick	255,447 00	1 41
1522	Springfield	1,594,529 25	8 12
175	Tolland	124,943 00	71
780	West Springfield	781,840 75	4 02
676	Westfield	559,865 80	3 02
156	Wales	120,180 50	67
468	Wilbraham	354,040 00	1 95
7497		\$6,548,342 20	\$34 88

## COUNTY OF FRANKLIN.

403	Ashfield	280,808 91	1 60
240	Buckland	151,507 50	89
217	Bernardston	186,046 75	97
244	Charlemont	157,808 00	92
459	Coleraine	331,327 60	1 87

COUNTY OF FRANKLIN—*Continued.*

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
388	Conway	400,256 00	2 05
460	Deerfield	525,162 72	2 63
194	Gill	148,085 00	82
374	Greenfield	429,993 50	2 15
265	Hawley	143,169 00	89
285	Heath	166,300 21	1 00
96	Irving's Grant	40,282 50	23
183	Leyden	114,850 00	67
214	Leverett	126,558 00	77
73	Monroe	31,108 50	21
274	Montague	167,537 00	99
434	New Salem	276,574 00	1 62
435	Northfield	403,922 25	2 12
214	Orange	197,889 00	1 04
193	Rowe	102,441 00	64
246	Shelburne	206,910 40	1 11
153	Sunderland	157,978 17	81
227	Shutesbury	129,681 00	79
297	Whately	206,858 54	1 18
214	Wendell	140,642 25	81
275	Warwick	228,602 20	1 23
7057		\$5,452,300 00	\$30 06

## COUNTY OF NORFOLK.

265	Bellingham	217,877 33	1 18
483	Braintree	308,749 14	1 83
240	Brookline	552,326 50	2 46
375	Canton	347,465 50	1 82

COUNTY OF NORFOLK—*Continued.*

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
311	Cohasset	250,115 05	1 36
802	Dedham	937,166 50	4 65
942	Dorchester	1,136,129 08	5 61
140	Dover	143,023 25	73
267	Foxboro'	161,993 00	97
382	Franklin	343,124 00	1 81
446	Medway	347,867 50	1 91
188	Medfield	189,649 00	98
398	Milton	462,370 95	2 31
344	Needham	261,566 00	1 46
564	Quincy	528,891 25	2 77
591	Randolph	419,612 50	2 38
1478	Roxbury	1,805,617 50	8 89
255	Sharon	227,693 42	1 20
457	Stoughton	277,146 91	1 65
731	Weymouth	512,088 05	2 91
357	Walpole	296,739 16	1 53
621	Wrentham	501,899 50	2 74
10637		\$10,229,111 09	\$53 15

## COUNTY OF BERKSHIRE.

135	Alford	77,759 33	47
693	Adams	461,719 07	2 67
285	Becket	163,583 15	99
15	Boston Corner, unincor- porated	4,000 00	03

COUNTY OF BERKSHIRE—*Continued.*

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
254	Cheshire	269,938 75	1 37
81	Clarksburg	30,675 50	22
199	Dalton	183,151 50	96
244	Egremont	159,762 62	93
113	Florida	42,019 00	30
581	Great Barrington	400,267 00	2 30
207	Hinsdale	160,727 62	88
265	Hancock	228,565 75	1 22
425	Lee	293,141 00	1 67
334	Lenox	260,685 28	1 43
284	Lanesborough	303,705 20	1 54
102	Mount Washington	49, 589 12	32
405	New Marlborough	269,793 00	1 56
73	New Ashford	51,856 75	29
233	Otis	113,226 00	75
844	Pittsfield	643,944 75	3 57
181	Peru	142,018 50	78
220	Richmond	196,418 50	1 04
550	Sheffield	456,760 00	2 46
223	Savoy	83,250 50	60
417	Sandisfield	333,522 00	1 83
3	Unincorporated land ad- joining	6,074 00	3
364	Stockbridge	323,795 60	1 73
341	Tyringham	182,009 50	1 13
259	Windsor	149,070 00	90
330	West Stockbridge	175,471 60	1 09
183	Washington	85,973 00	56
488	Williamstown	414,802 75	2 24

COUNTY OF BERKSHIRE—*Continued.*

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
14	Gore West of same	12,372 00	6
30	Zoar, unincorporated	10,000 00	8
9375		\$6,744,648 34	\$38 00

## COUNTY OF BRISTOL.

748	Attleborough	547,448 00	3 07
208	Berkley	145,686 75	82
389	Dartmouth	660,589 68	3 69
399	Dighton	268,647 49	1 54
473	Easton	340,036 75	1 91
697	Fairhaven	703,719 75	3 62
439	Freetown	302,675 42	1 73
269	Mansfield	202,659 00	1 13
1746	New Bedford	3,257,097 40	14 85
341	Norton	379,568 75	1 92
335	Pawtucket	251,510 95	1 40
273	Raynham	209,316 75	1 17
565	Rehoboth	414,442 00	2 33
482	Seekonk	323,304 26	1 86
235	Somerset	178,881 00	99
384	Swanzy	275,696 25	1 55
1445	Taunton	1,450,323 23	7 46
956	Troy	932,060 50	4 82
638	Westport	503,272 40	2 76
11527		\$11,346,916 33	\$58 62

## COUNTY OF BARNSTABLE.

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
914	Barnstable	546,449 09	3 27
327	Brewster	173,735 47	1 08
490	Chatham	209,646 30	1 43
579	Dennis	250,664 91	1 70
222	Eastham	82,194 33	60
634	Falmouth	562,878 66	2 99
566	Harwich	160,824 66	1 33
442	Orleans	134,999 82	1 08
457	Provincetown	192,015 00	1 32
774	Sandwich	638,294 44	3 46
419	Truro	106,016 50	93
515	Wellfleet	124,374 52	1 13
523	Yarmouth	317,906 30	1 89
6862		\$3,500,000 00	\$22 21

## COUNTY OF DUKES.

185	Chilmark	183,364 75	0 95
490	Edgartown	178,305 00	1 31
347	Tisbury	172,497 00	1 10
1022		\$534,166 75	\$3 36

## COUNTY OF NANTUCKET.

1656	Nantucket	\$3,895,288 40	\$17 25
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## COUNTY OF PLYMOUTH.

Polls.	Towns.	Aggregates.	Pay on \$1000 including Polls at 1 1-4 mill each.
680	Abington	359,082 75	2 26
440	Bridgewater	347,786 87	1 90
254	Carver	153,085 25	92
622	Duxbury	449,113 30	2 53
409	East Bridgewater	265,018 16	1 52
237	Hanson	164,427 25	94
879	Hingham	641,907 27	3 60
46	Hull	58,100 85	29
219	Hanover	254,178 33	1 26
195	Halifax	117,330 36	70
343	Kingston	277,477 50	1 51
398	Marshfield	351,022 25	1 87
1311	Middleboro'	789,309 17	4 72
463	North Bridgewater	272,972 97	1 64
456	Pembroke	236,505 35	1 36
1093	Plymouth	1,025,767 50	5 36
231	Plympton	133,677 75	81
818	Rochester	464,077 61	2 83
798	Scituate	681,573 25	3 66
434	Wareham	315,828 00	1 77
240	West Bridgewater	218,690 32	1 15
10466		\$7,576,932 06	\$42 60



## COUNTY AGGREGATES, &amp;c.

Counties.	Polls, 1831.	Aggregate 1831.	Proportion of \$1000.
Suffolk	14,307	80,244,261 25	330 51
Essex	20,664	24,335,935 57	120 64
Middlesex	20,324	21,182,609 00	107 93
Worcester	21,850	21,166,640 63	109 77
Hampshire	7,347	5,603,255 87	31 02
Hampden	7,497	6,548,342 20	34 88
Franklin	7,057	5,452,300 00	30 06
Berkshire	9,375	6,744,648 34	38 00
Bristol	11,527	11,346,916 33	58 62
Norfolk	10,637	10,229,111 09	53 15
Barnstable	6,862	3,500,000 00	22 21
Dukes	1,022	534,166 75	3 36
Nantucket	1,656	3,895,288 40	17 25
Plymouth	10,466	7,576,932 06	42 60
	150,591	\$208,360,407 54	\$1000 00

## CHAP. XXXIX.

*Resolve appointing Messrs Adams and Hudson, Publishers of the Laws.*

March 7, 1832.

*Resolved,* That Messrs Adams and Hudson, be, and they are hereby appointed, publishers of the Laws and Resolves, and other Acts of the Legislature of this

Commonwealth, with authority officially to promulgate the same in the Columbian Centinel and New England Palladium Newspapers, published in the city of Boston, for one year from the first day of February A. D. 1832, and until another publisher of the laws shall be appointed in their stead. *Provided*, the said Adams and Hudson, cause the said Laws, Resolves and Acts, to be published in a faithful manner and with all reasonable despatch.

*Be it further Resolved*, That the compensation which shall and may be allowed, to said Adams and Hudson, for publishing as aforesaid, shall not exceed the usual rate of compensation heretofore granted for similar services.

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## CHAP. XL.

CONFIDENTIAL.

*To the Honorable Senate and  
House of Representatives :*

The accompanying communication from the Governor of Maine, with a copy of resolutions adopted by the Legislature of that State, on the subject of the territory in controversy between the United States and Great Britain, on our North Eastern Border, and involving questions of state sovereignty, and the especial right of property, which this Commonwealth claims in the soil of the disputed country, are herewith submitted to

you, for that advice and action thereon, on the part of this Government, which is the expressed object of their transmission to me.

LEVI LINCOLN.

*State House, Boston, March 7, 1832.*

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CHAP XLI.

*Resolve in favor of Osee Adams and Tho. Durkee.*

March 8, 1832.

On the petition of Osee Adams and Thomas Durkee, praying that they may be reimbursed by the Commonwealth for expenses incurred by them in prosecuting certain persons for violating two graves, removing the remains of said Durkee's daughter from one of said graves, and the remains of said Adams' brother from the other.

*Resolved*, That there be allowed and paid, out of the Treasury of the Commonwealth, to Osee Adams the sum of eighty dollars and forty two cents, and to Thomas Durkee the sum of eighty nine dollars and thirty three cents, for the reasons above set forth: and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

## CHAP. XLII.

*Resolve in relation to the State Prison.*

March 9, 1832.

*Resolved*, That His Excellency the Governor, with the advice of the Council, be and he is hereby authorized and requested to cause such additions to be made to, and such alterations within the Warehouse at the State Prison, in Charlestown, as will render it a convenient building for the residence of the Warden, and to draw his warrant, on the treasurer of the Commonwealth, for a sum not exceeding twenty-five hundred dollars to defray the expenses thereof.

*Resolved*, That His Excellency the Governor, with advice of the Council, be, and he is hereby authorized and requested to draw his warrant on the treasurer of this Commonwealth, in favor of the warden of the State Prison, for such sum or sums as may be necessary to pay the deficit in the income of the prison for the year ending the first day of October last, and to defray the contingent expenses of the prison for the present year, not exceeding in the whole the sum of one thousand dollars.

*Resolved*, That there be allowed and paid to Jared Curtis, the chaplain of the State Prison, out of the treasury of this Commonwealth, the sum of one hundred and fifty dollars, as additional compensation for his services from the first day of October last to the first day of April next, if he should so long discharge those duties, and the Governor with advice of the Council is requested to draw his warrant accordingly.

## CHAP. XLIII.

*Resolve on Petition of Nathan Harding.*

March 9, 1832.

*Resolved*, that, for reasons set forth in said petition, there be allowed and paid to Nathan Harding of Wellfleet, in the county of Barnstable, the sum of one hundred dollars, for services rendered by him to his country during the war of independence ; and that His Excellency the Governor, by and with the advice of the Council, is requested to draw his warrant on the treasurer for the abovementioned sum.

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## CHAP. XLIV.

*Resolve in favor of Gurdon Steele.*

March 9, 1832.

On the petition of Gurdon Steele, praying that a reward may be allowed and paid him for prosecuting one Orange Fifield in the city of Boston, for altering and passing certain bills of the North Bank.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Gurdon Steele, for the reasons above set forth, the sum of sixty dollars ; and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

## CHAP. XLV.

*Resolve granting Taxes for the several Counties.*

March 9, 1832.

Whereas the treasurers of the following counties have laid their accounts before the Legislature, which accounts have been examined and allowed, and the clerks of the county commissioners for the said counties have exhibited estimates, made by said commissioners, of the necessary charges which may arise within their respective counties, for the year ensuing, and of the sums necessary to discharge the debts of said counties :

*Resolved*, That the sums annexed to the several counties, in the following schedule, be, and the same hereby are granted, as a tax for each county respectively, to be apportioned, assessed, paid, collected, and applied, for the purposes aforesaid, according to law, viz. :

The county of Norfolk, thirteen thousand dollars,	\$13,000
The county of Hampshire, seven thousand five hundred dollars,	7,500
The county of Plymouth, six thousand five hundred dollars,	6,500
The county of Worcester, sixteen thousand dollars,	16,000
The county of Franklin, six thousand dollars,	6,000
The county of Berkshire, eight thousand dollars,	8,000
The county of Barnstable, four thousand three hundred dollars,	4,300

The county of Dukes County, seven hundred and fifty dollars, . . . . .	750
The county of Hampden, six thousand dollars, . . . . .	6,000
The county of Essex, fifteen thousand dollars, . . . . .	15,000
The county of Middlesex, fourteen thousand dollars, . . . . .	14,000
The county of Bristol, fourteen thousand dol- lars, . . . . .	14,000

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## CHAP. XLVI.

*Resolve on the petition of John S. Tyler, Guardian.*

March 13, 1832.

On the petition of John S. Tyler, of Boston, in the county of Suffolk, gentleman, in his capacity of guardian to his brothers, George P. Tyler, Charles T. Tyler, Thomas P. Tyler, and Abiel W. Tyler, minors, under the age of twenty-one years, children of Royall Tyler, Esq. deceased, and dwelling in Brattleborough, in the state of Vermont.

*Resolved*, for reasons in said petition set forth, that the said John S. Tyler, as guardian as aforesaid be, and he hereby is authorized and empowered, to make, sign, seal and deliver, and duly acknowledge one or more deed or deeds, wherein and whereby to alien, bargain, sell and convey, unto Samuel Hammond, of said Boston, merchant, or to such other person or persons, as he, the said John S. Tyler, shall think proper, all the legal title, interest, and estate of said minor children, in and to their respective shares, as tenants in common, with

other children of the said Royall Tyler, Esq. in certain lands and tenements situate in said Boston, and bounded and described as follows: southerly by North Market street, there measuring about forty feet, westerly by Conduit alley, so called, as the same was laid out in the year of our Lord eighteen hundred and twenty-three, and land at that time used as a public highway, there measuring about forty-two feet, northerly by the front line of the above named Samuel Hammond's warehouse, as the said warehouse stood in the said year of our Lord eighteen hundred and twenty-three, there measuring about forty-feet, and easterly on other land now in the possession of the said Samuel Hammond, there measuring about forty-two feet, of which described premises the said minors are in said petition stated to be seized and entitled to four undivided tenth parts of eight undivided thirty-sixth parts. *Provided always*, That before the said John S. Tyler, as such guardian, shall execute any deeds pursuant to the authority hereby given, he shall make and execute in due form of law, a bond, with sufficient sureties or surety, (to the acceptance of the Judge of Probate of the county of Suffolk,) to the said judge, in such penalty as the said judge may require, with condition that the said John S. Tyler shall well and truly account for the purchase money which he may receive as the consideration for the conveyance of the said shares of said minors;—and which condition shall be in the like form which is required by law, and to the same effect as when guardians are empowered by the judicial courts to make sale of the real estate of minors.



## CHAP. XLVII.

## CONFIDENTIAL MESSAGE.

*To the Honorable Senate, and  
House of Representatives :*

I hasten to convey to the Legislature information that I am officially advised by His Excellency the Governor of Maine, that the injunction of secrecy imposed by the Legislature of that State upon *their* proceedings in relation to the Territory North and East of the Rivers St. John's and St. Francis, confidentially communicated to this Government, has been removed.

LEVI LINCOLN.

*Council Chamber, March 13, 1832.*

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## CHAP. XLVIII.

*Resolve authorizing Lucy Sawyer to sell and convey  
certain real estate.*

March 14, 1832.

On the petition of Lucy Sawyer, administratrix of the estate of Amory Sawyer, late of Berlin, in the county of Worcester, deceased, and of William Sawyer of said Berlin, praying that said administratrix may be licensed to sell certain real estate of said deceased to said William.

*Resolved*, That said Lucy Sawyer be, and she hereby is authorized and empowered, as administratrix as aforesaid, to sell at public or private sale, and to convey to said William Sawyer his heirs and assigns about ninety-one rods of land situated in said Berlin, bounded southeasterly on the county road leading from Berlin to Boylston, southwesterly on land of James Goddard, and otherwise on land of Jonathan D. Meriam; and such conveyance made by the said Lucy Sawyer by virtue of this Resolve shall operate as a good and valid conveyance of the premises: *Provided*, that said Lucy Sawyer be held to answer and account for the proceeds of such sale as administratrix as aforesaid.

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## CHAP. XLIX.

### *Resolve relative to the Sale of Public Lands.*

March 14. 1832.

The Committee on public lands to whom was referred so much of His Excellency's message of the 9th ult. as relates to an extension of authority to the Land Agent for selling the lands in the State of Maine belonging to this Commonwealth, have attended to the duty assigned them and respectfully report the following resolve.

A. H. EVERETT, *Chairman*.

*Resolved*, That the Land Agent be and he is hereby authorized and empowered to sell the townships of land belonging to this Commonwealth situate and lying in

the State of Maine South of the Monument line and North and North west of Bingham's Kennebec purchase, and to make and execute good and sufficient deeds of the same, and of such other lands in said State of Maine as this Commonwealth is holden to convey by the terms of any previous contract. *Provided, however,* that the aggregate of sales authorized by this resolve shall not exceed the number of six townships.

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## CHAP. L.

*Resolve for the pay of the Clerks of the Legislature.*

March 14, 1832.

*Resolved,* That there be paid out of the Treasury of this Commonwealth, to the clerk of the Senate, eight dollars per day ; to the clerk of the House of Representatives ten dollars per day ; and to the Assistant Clerk of the Senate six dollars per day, for each and every day's attendance they have been or may be employed in that capacity during the present session of the Legislature ; and that there be further paid to the clerk of the Senate, and the clerk of the House of Representatives one hundred dollars each for copying the Journals for the Library, as required by the orders of the two branches of the Legislature : and His Excellency the Governor is requested to draw his warrant accordingly.

## CHAP. LI.

*Resolve for Contingent Funds.*

March 14, 1832.

*Resolved*, that there be allowed and paid, out of the public treasury, to the Secretary of the Commonwealth, such sums of money, as, from time to time, shall appear to His Excellency the Governor, with the advice of Council, to be necessary for the service of the government, and to be disposed of as the Governor and Council may direct ; the amount thereof not to exceed one thousand dollars ; and the Secretary shall account to the Legislature for the same ; and His Excellency the Governor is authorized to draw his warrant therefor.

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## CHAP. LII.

*Resolve on the Petition of Levi Parsons.*

March 14, 1832.

On the petition of Levi Parsons of Conway in the county of Franklin, praying for authority to sell and convey certain real estate held by him and his wife for the term of their lives, and the life of the survivor, and the remainder in fee by his children, some of whom are minors ; and invest the proceeds thereof in other real estate of equal value in the territory of Michigan.

*Resolved*, for the reasons set forth in the said petition, that the said Levi Parsons and Philinda Parsons his wife and the survivor of them be, and they are hereby authorized and empowered, to sell at public auction or private sale, and make and execute good and sufficient deed or deeds to convey, the farm of land in said Conway on which they now live, and which, by the last will and testament of Joel Parsons late of said Conway, deceased, was devised to them the said Levi and Philinda for their lives, and the life of the survivor of them ; and the remainder to Frederick Parsons, Joel C. Parsons, Juliann Parsons, Nancy Parsons, Dwight Parsons, Franklin Parsons, Samuel W. Parsons, Ruth Parsons, Philander Parsons, and Louis Parsons, children of the said Levi and Philinda in fee ; *provided* the said children should, in one year after the decease of the said Joel, pay to Laura Root his daughter two hundred dollars, and to Jonathan Root his grandson, one hundred dollars, which deed, so executed by the said Levi and Philinda, or the survivor of them, shall have the full effect to pass to the purchaser or purchasers, his or their heirs and assigns forever, all the right, title and estate which the said Joel held in the premises at his decease ; the said Levi and Philinda, before making such conveyance, and before the expiration of one year from the decease of the said Levi, paying to the said Laura the said sum of two hundred dollars, and to the said Jonathan the said sum of one hundred dollars ; and the said Levi, or in case of his decease before the execution of the power herein granted, the said Philinda, first giving bond to the judge of probate for said county of Franklin, in a sum to be approved of him with one or more surety or sureties of sufficient ability, to invest the avails of the said sale, after deducting the amount so paid to the said Laura and Jonathan, in real estate, in the

territory of Michigan, taking to them the said Levi and Philinda an estate therein for their lives and the life of the survivor, and to their said children an estate in remainder in fee simple. *Provided* those of their said children, who are of competent age to make a deed, shall first, by an instrument or instruments in writing, under their hands and seals, duly acknowledged as their deed, and recorded in the Registry of Deeds for said county of Franklin, declare their approbation and acceptance of this Resolve.

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### CHAP. LIII.

*Resolve authorising Margaretta B. Eliot to convey real estate.*

March 14, 1832.

On the Petition of Margaretta B. Eliot of Boston, in the County of Suffolk, Guardian of Samuel Eliot, William P. Eliot and Margaret B. Eliot minor children of William H. Eliot, late of said Boston Esquire, deceased, and for the reasons therein set forth :

*Resolved*, That the said Margaretta B. Eliot, guardian as aforesaid, be and she hereby is authorized and empowered to convey by her deed to the Proprietors of Tremont House, a corporation established by the Legislature of this Commonwealth, all the right, title, interest and estate of said minor children in and to the land and buildings situate in said Boston commonly known as and called Tremont House, and to receive therefor and as the full consideration of said conveyance, to hold as guardian of

said minors stock in the said corporation to the amount of and in proportion to the share of said land and buildings so by her conveyed to said corporation: *Provided* the said guardian shall first give bond with sureties sufficient and satisfactory to the Judge of Probate for the county of Suffolk, for the faithful performance of all things usually required by law in like cases.

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## CHAP. LIV.

*Resolve relative to the sale, disposition, and management of the Public Lands.*

March 14, 1832.

The joint committee on public lands, to whom was referred the report of the commissioners of this Commonwealth, and of the State of Maine, appointed for the purpose of agreeing upon a system for the sale, disposition, and management of the public lands belonging to this Commonwealth and the said State, have examined said report, and recommend the adoption of the following resolve.

Which is respectfully submitted,

A. H. EVERETT, Chairman.

*Resolved*, That the agreement reported by said Commissioners be, and the same is hereby accepted, ratified, and confirmed. And His Excellency the Governor is requested to transmit a copy of this resolve to the Governor of the State of Maine.

## CHAP. LV.

*Resolve in relation to the procuring of an uniform system of Bankruptcy, by the Congress of the United States.*

March 14, 1832.

*Resolved*, That the Senators of this Commonwealth in Congress be, and they hereby are instructed, and the Representatives of the several districts be, and they hereby are requested, to promote the passage of a law, at the present session of Congress, providing for the establishment of an uniform system of bankruptcy.

*Resolved*, That His Excellency the Governor be, and he hereby is requested to cause to be forwarded, to each of the Senators and to each of the Representatives of this Commonwealth in Congress, an attested copy of the foregoing resolution.

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## CHAP. LVI.

*Resolve for the pay of the Superintendant of Repairs on the State House.*

March 14, 1832.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the Hon. Charles Wells, in full for his services as superintendant of repairs on the dome and pediment cornice of the State House,



and also as superintendant of the erection of the fire proof edifice on the northern front of the State House, the sum of six hundred and twenty-five dollars ; and His Excellency the Governor is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. LVII.

*Resolve in favor of Oliver Wetherby.*

March 15, 1832.

On the petition of Oliver Wetherby, praying that he may be reimbursed for a loss sustained by him in fulfilling a contract for furnishing lumber for the Lunatic Hospital, in the town of Worcester.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to Oliver Wetherby, for reasons set forth in his petition, the sum of one thousand and eighty-eight dollars, and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

## CHAP. LVIII.

*Resolve on the petition of Charles Ewer.*

March 15, 1832.

The Joint Committee on public lands, to whom was referred the petition of Charles Ewer, representing that he purchased seven hundred acres of land of this Commonwealth in township No. 3, on the West side of Penobscot River by deed dated 24th January, 1828, and that, in consequence of an uncertainty as to the North and South lines of said township, the land sold him is claimed by the Trustees of the Maine Literary and Theological Institution, he is unable to obtain possession of the land conveyed to him, and prays to be remunerated for the damages he has sustained.

The Committee have examined the documents presented, from which it appears probable, that an error exists in identifying the lines of said township, and that said petitioner may consequently sustain a loss of the land—We, therefore, ask leave to report the following resolve, which is respectfully submitted,

A. H. EVERETT, *Chairman.*

*Resolved,* That the Land Agent be, and he is hereby, authorized and directed to inquire into the facts relative to the lines of township No. 3, on the west side of Penobscot river, and ascertain whether the land conveyed to said Ewer, has been otherwise disposed of, and, if so, make a conveyance of other lands to said Ewer as an equivalent therefor.

## CHAP. LIX.

*Resolve respecting the Accounts of the State Printer.*

March 15, 1832.

*Resolved*, That the Treasurer of the Commonwealth be authorized and required to examine and audit the accounts of the State Printer, if presented by him, once in every three months—and His Excellency the Governor is hereby requested to draw his warrant for the payment of the same, if, upon examination, they are found to be correct.

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## CHAP. LX.

*To the Honorable Senate,  
and House of Representatives :*

Immediately upon receiving the request to me by the two Houses of the Legislature, to apply to the Executive of Maine, for a communication of the correspondence which he had had with the Government of the United States, and with the agent of that State, upon the subject of a negociation for a cession of the territory North East of the St. Johns, I despatched, by a special messenger, a Letter addressed to His Excellency the Governor, a copy of which is herewith transmitted, for your notice. This messenger returned the last

night with an answer, which also accompanies this communication.

From this correspondence, it will painfully be perceived, that the only ground of the proceedings of the Government of Maine, which were confidentially communicated by the Letter of the Governor of the 5th inst., covering the Resolutions of the Legislature, approved by him, was in Letters from Mr. Preble, the Agent of that State at Washington, expressing *his opinion* in regard to the expediency of the proposed arrangement, and *that* of the Representatives of that State in Congress, in Letters addressed to him, which opinions were formed from circumstances *unofficially* within their knowledge, and that these communications are now considered by the Governor, so far private and confidential, that he does not feel himself authorized to make them public, without the permission of the persons from whom they were received. He has therefore declined affording the information which was sought by the order of the Legislature.

We are thus left without any knowledge of the change of circumstances, which has induced to the recent unexpected and extraordinary manifestation of change of sentiment and policy, on this most interesting subject, in the State of Maine. We learn, neither, by what authority a proposition to negotiate for the Territory is made; nor the terms which are to form the basis of such negotiation; nor who are to be the parties to it; nor how far the compromise which may be contemplated is within the constitutional power of the National Executive, with or without the consent of the States. Maine asks from us no consent or countenance to the bargain, which is now offered. Indeed, it cannot escape remark, that in the leading Resolutions of her Le-

gislature in reference to this subject, a joint concern in Massachusetts, even in the disposition of the property in the lands, is no otherwise adverted to, than by an admonition contained in the resolution which proposes notice to us of the intention to negotiate, that we may take charge of our own interest. The remembrance of former relations is no longer invoked. No appeal is made to a sense of mutual interest; to the principles of liberality, of magnanimity, and of friendly regard to a Sister State;—nor is the generous, disinterested, and spirited response, which was given to that appeal for aid and co-operation, in the defence of the rights of jurisdiction and State sovereignty, acknowledged or recognized. Under all these considerations, I respectfully submit to you, that no further proceedings here, are, at this time, required, for the dignity, honor, or *interest* of the Commonwealth. The deliberate and explicit opinions expressed by the Legislature upon the whole subject matter, at an earlier period in the session, fully assert the rights of the State in the property in question, and a confidence in the obligation of the National Government to defend us in its possession and enjoyment. The Resolutions, which were then passed, are in the hands of our Senators and Representatives in Congress, who will not fail to have the first notice of any hazard to our *true* interest, and faithfully to advise to the most effectual measures for its protection.

LEVI LINCOLN.

*Council Chamber,*  
*March 17th 1832.*

## CHAP. LXI.

*Resolve on the petition of Abraham Randall.*

March 19, 1832.

*Resolved*, that there be allowed and paid, out of the treasury of this Commonwealth, to Abraham Randall, on account of services rendered by him as a soldier of the Revolution, the sum of one hundred dollars; and that His Excellency the Governor, with advice of Council, be requested to draw his warrant on the treasury for the said sum; and further, that His Excellency be authorized and requested to place the same in the hands of the Rev. Thomas Gray, D. D. of Roxbury, to be by him disbursed for the relief of the petitioner and his family as their necessities may require.

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## CHAP. LXII.

*To the Honorable Senate and  
House of Representatives :*

I herewith lay before the Legislature a letter, just now received by me, from His Excellency the Governor of Maine, with an accompanying Report and Resolutions adopted by the Legislature of that State, wherein the payment over, by this Government, of the sum of seven thousand, seven hundred and sixteen dollars and eight cents, on account of the money received of the General Government towards the payment of the Mas-

sachusetts Claim is requested. It appears from these Documents, that this requirement is founded on a construction *now* given to the third Article of the first Section of the Act of Separation, which respects the distribution of the money which may be received on account of the claim, and the fact, that, from the money already paid, this State has retained an indemnity for the expenses she has actually incurred in its prosecution, with interest upon the advances made for this purpose, together with an estimated sum to meet some yet unsettled accounts and future probable charges. Maine demands one third of all the money received, without any deduction for expenses, and insists that these are wholly to be borne at the charge of Massachusetts. This construction of her right is the more unexpected, from the fact, to which I feel it my duty to advert, that the Legislature of that State, on the 8th of March, 1831, passed a Resolve, authorizing the Governor and Council of *Massachusetts*, to examine and settle the claim of General King, for services performed by him in prosecuting the Massachusetts Claim, at Washington, and to *pay the same from the general fund*. His claim *was* subsequently presented for settlement here, and, by a reference of it, by the Legislature of this State, to the Governor and Council, would have been immediately thereupon adjusted, but for a difficulty which occurred in satisfactorily ascertaining the just amount, when it was voluntarily withdrawn.

The sum retained from the common fund on account of expenses is stated in a particular exhibit of payments and interest, and an estimate for contingent liabilities and future charges, filed in the office of the Treasurer of the Commonwealth, a copy of which was furnished to the Executive of Maine.

LEVI LINCOLN.

*Council Chamber, March 20th, 1832.*

## CHAP. LXIII.

*Resolve on the Petition of Charles Peabody.*

March 22, 1832.

*Resolved*, for reasons set forth in said petition, that Charles Peabody, of Boxford, in the county of Essex, administrator on the estate of Thomas Dewksbury, late of said Boxford, deceased, intestate, be and he hereby is authorized and empowered, to account for such balance of said estate, as may be found in his hands upon a final settlement of the accounts of his administration thereof, by paying such balance, and the legal interest thereof, to Harriot Perley, of said Boxford, a minor, when she shall arrive at twenty-one years of age. And her receipt, or in case of her decease, the receipt of her legal representatives, shall be a sufficient discharge therefor: *Provided*, that the said Charles Peabody shall duly file his bond, with sufficient sureties, in the office of the Judge of Probate for said county, conditioned for the payment of said balance and interest, agreeably to the provisions of this resolve, in like manner as other trustees are by law obliged to do.



## CHAP. LXIV.

*Resolve on the petition of Abraham G. Randall, for authority to sell and convey certain real estate of his wife, Elizabeth C. Randall, a minor.*

March 22, 1832.

*Resolved*, for the reasons set forth in said petition, that Abraham G. Randall, of Millbury, in the county of Worcester, the husband of Elizabeth C. Randall, a minor, be and he is hereby authorized and empowered to sell, at private or public sale, the one undivided eleventh part of two dwelling houses, and the land adjacent thereto, situate in Central Court, in the city of Boston, which was devised to her in and by the last will and testament of Isaiah Thomas, Esq. late of Worcester, in the county of Worcester, deceased, and to make and execute, a good and sufficient deed thereof, to the purchaser or purchasers.

## CHAP. LXV.

*Resolve on the petition of John Stone, Guardian, &c. for permission to perpetuate evidence of notice of the sale of certain real estate.*

March 22, 1832.

*Resolved*, for reasons set forth in said petition, that John Stone, of Hopkinton, in the county of Middlesex, Guardian of Milton Claflin, a minor, be and he hereby is authorized, at any time within three months from and after the passage of this resolve, to make and file in the Probate office of said county, his affidavit, setting forth the time, place and manner, in which he gave notice of the sale of certain real estate of said minor, situated in Framingham, in said county, which the said John Stone was authorized to sell by virtue of a license of the Supreme Judicial Court ; and such reasonable notice being given to all persons interested in such real estate, as the Judge of Probate shall order, to appear and show cause, if any they have, why such affidavit should not be filed as aforesaid, and no such persons interested as aforesaid appearing and shewing good cause to the contrary, such affidavit, being so filed, shall be evidence of the time, place and manner, in which such notice of sale was given, and be as effectual for all purposes, as if such affidavit had been made and filed in said Probate office within the time prescribed by law.

## CHAP LXVI.

*Resolve on the Petition of John Tidd, Guardian of sundry minors.*

March 22, 1832.

On the petition of John Tidd of Woburn, in the County of Middlesex, in his capacity of Guardian to Henry Tidd, Mary Tidd, Samuel Tidd and Pliny Tidd, minors under the age of twenty one years, and children of Samuel Tidd, late of said Woburn deceased.

*Resolved*, for reasons in said petition set forth, that the said John Tidd, as Guardian as aforesaid, be and he is hereby authorized and empowered by his deed duly executed and acknowledged to sell and convey to the Boston and Lowell Rail Road Company, a Corporation by the laws of this Commonwealth, at a rate not less than thirty dollars an acre, all the right, title and interest of said minors in and to a portion of the lot of land, not exceeding two acres, which lot is bounded as follows, viz : northerly by the county road, westerly by lands of the same minors and other tenants in common ; southerly by land of Joshua and Luther Converse, and easterly on land of Bartholomew Richardson and Francis Johnson, containing about four acres, and situate in the easterly part of Woburn aforesaid.

*Resolved*, that the said John Tidd shall have like power and authority to sell and convey, by deed duly executed and acknowledged, at a rate not less than thirty five dollars an acre, to the corporation aforesaid, all the right title and interest of the minors aforesaid, in and to a portion of another lot of land, situate in the westerly part

of Woburn, not exceeding two acres of the same, which lot is bounded as follows, viz. northerly on land of Joseph W. Beers, and the dower estate of Mary Tidd, westerly on land of John Edgell and John Fowle; southerly on land of Junius Richardson, and easterly by lands of Joshua Converse, Joseph Thayer and others, containing about eight acres.

*Resolved*, on the petition aforesaid, and for reasons therein contained, that the said John Tidd, in his capacity of Guardian to Warren Reed, Andrew Jackson Reed, and Sophia Reed, minor children of George W. Reed, late of said Woburn deceased, be and he is hereby authorized and empowered, by his deed duly executed and acknowledged, to convey to the said corporation, at a rate not less than fifty dollars an acre, all the right, title, and interest, which the said minor children may have in common with others, to all or to so much of a certain lot of land situate in Medford in the county of Middlesex, as said corporation may want to purchase, containing about four acres, and bounded as follows, viz: easterly by the brook, northerly by the land of John Swan, westerly by land of Samuel Symmes, and southerly by land of Horatio Symmes; and whatever deed or deeds the said John may execute in pursuance of this resolve, shall enure to the benefit of the said corporation their successors and assigns. *Provided however*, that the said John Tidd as Guardian aforesaid, before making any sale or conveyance of any of the rights, titles, and interests of the minors aforesaid, shall give bond with sufficient surety or sureties to the Judge of Probate for the County of Middlesex, faithfully to account to the several minors, herein named for their just proportion of the net proceeds of the sales he is hereby authorized to make.

## CHAP. LXVII.

*Resolve on the Petition of Olive Moore and Artemas Harrington.*

March 22, 1832.

On the Petition of Olive Moore of West Boylston, in the County of Worcester, Administratrix of the Estate of Oliver Moore deceased, and of Artemas Harrington of Boylston in said County of Worcester.

*Resolved*, For reasons set forth in said petition, that the said Olive Moore be, and she hereby is authorized and empowered, by her deed duly executed, acknowledged and recorded, to reconvey to the said Artemas Harrington his heirs and assigns, all the right, title, and interest which the said Oliver Moore had at the time of his decease in and to a certain tract or parcel of land, with the buildings thereon, situated in said Boylston, which the said Artemas Harrington conveyed to the said Oliver Moore, by deed, bearing date the twentieth day of February in the year of our Lord one thousand eight hundred and twenty seven ; *Provided*, that the said Artemas Harrington shall first pay, or secure payment of any and all sum or sums of money which may be due or owing from him to the estate of the said Oliver Moore deceased ; *and provided also* that the said Olive Moore in her capacity of administratrix shall be held to account for all monies which she may receive from the said Artemas Harrington as aforesaid.

## CHAP. LXVIII.

*Resolve on the Petition of David Moody.*

March 22, 1832.

On the Petition of David Moody of Boston, in the County of Suffolk, Guardian of William H. Moody, Susan H. Moody, and Hannah M. Moody, minors, and children of Paul Moody, deceased.

*Resolved*, for reasons set forth in said petition, that the said David Moody be, and he hereby is authorized and empowered to sell at private sale, and by his deed or deeds, duly executed, acknowledged, and recorded, to convey all the right, title and interest of said minors in and to a certain tract of land, with the mills, and buildings thereon, and the water power connected therewith, situated in Newbury, in the County of Essex, and known as the Byfield Woollen Factory, *also*, a certain farm, known as the Chute, or Dummer Farm, situated near Byfield Meetinghouse, and partly in Newbury, and partly in Rowley in said County of Essex:—also a certain farm, known as the Stanwood farm, situated in West Newbury, in said County of Essex:—provided, that the said David Moody, as such guardian, shall first make and execute, in due form of law, a bond with sufficient sureties, to the Judge of Probate of the County of Middlesex, and to the acceptance of said Judge, with condition that the said David Moody shall well and truly account for the proceeds of any sale, which he may make by virtue of the authority hereby given.

## CHAP. LXIX.

*Resolve authorizing Isaac P. Osgood, Guardian, &c. to pay the proceeds of the sale of certain real estate to Richard S. Fay, administrator, &c.*

March 22, 1832.

Upon the Petition of Richard S. Fay, of Boston, in the county of Suffolk, as he is administrator of the goods and estate of Lawson Valentine, late of said Boston, trader, deceased, intestate, representing that, by a resolve of the General Court, passed on the nineteenth day of January, A. D. 1830, Isaac P. Osgood, as Guardian of Andrew P. Valentine, Frances E. Valentine, William P. Valentine, and Edward L. Valentine, minors under the age of fourteen years, and children of Lawson Valentine, late of said Boston as aforesaid, was authorized to make sale of certain real estate described in said resolve, which descended to said minors as heirs of said Valentine,—that it now appears the said estate, or the proceeds thereof, are wanted for the payment of debts due from said estate; that said proceeds are still in the hands of said Osgood.

*Be it resolved by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Osgood be, and he hereby is authorized, directed and empowered, to pay over the proceeds of said sale of real estate, to Richard S. Fay, administrator of Lawson Valentine as aforesaid, and that his receipt to said Osgood shall be a good and sufficient discharge therefrom in his accounts as Guardian afore-*

said ; the said Richard S. Fay being held to account for the same as such administrator : *Provided however*, that the said Richard S. Fay shall first obtain from Mary Ann Valentine, the widow of said deceased, a full and ample discharge of all interest, claim or demand, she has or may have in or unto any part of the proceeds of the sale aforesaid, and deliver the same to said Osgood.

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## CHAP. LXX.

*Resolve in favor of Derastus Clapp.*

March 22, 1832.

On the petition of Derastus Clapp, praying for a reward for prosecuting to conviction one Joseph Robb, for having in his possession a certain instrument for coining counterfeit half dollars, with intent to use the same.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Derastus Clapp, the sum of sixty dollars, for the reasons above set forth : and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.



## CHAP. LXXI.

*Resolve in favor of Sally Ames, widow.*

March 22, 1832.

On the petition of William Buttrick, Edward Curtis, Winslow Ames, and Sally Ames, praying that the amount of a forfeited recognizance, paid by said Sally Ames, may be refunded to her from the Treasury of the Commonwealth.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Sally Ames, widow, the sum of four hundred dollars, for the reasons set forth in her petition; and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. LXXII.

*Resolve in favor of Joseph S. Leavitt.*

March 22, 1832.

On the petition of Joseph S. Leavitt, for allowance of expenses incurred by him in apprehending one John Getchell, who had committed forgery, has since been convicted, and is now under sentence in the State Prison.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Joseph S. Leavitt,

the sum of sixty two dollars and forty eight cents for the reasons above set forth : and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. LXXIII.

*Resolve to continue the pension of Daniel Herring.*

March 22, 1832.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Daniel Herring, fifty dollars a year for five years, should he live so long, said term of years to commence at the expiration of his former pension ; and His Excellency the Governor is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. LXXIV.

*Resolve on the subject of the public lands in the state of Maine.*

March 23, 1832.

Whereas, it appears from the Message of His Excellency the Governor, transmitted to both branches of the

Legislature, on the 18th inst., that the Governor of Maine has declined to afford to this Legislature the information solicited by its order of the 13th inst., and on the authority of which the Legislature of Maine had deemed it expedient to pass certain Resolutions respecting the territory lying North and East of the Rivers St. John's and St. Francis, communicated to this Legislature, by confidential message, from the Governor, on the 7th inst. And whereas it appears, by a letter from the Governor of Maine to the Governor of Massachusetts, that said information was of an unofficial character, and that there was no other ground for the proceedings of the Legislature of Maine, than the opinions of the Agent of Maine at Washington, formed from circumstances unofficially within the knowledge of the said Agent, and the Representatives of that State in Congress;—And whereas, this Legislature had previously, during its present session, at the solicitation of the Government of Maine, and in accordance with the recommendation of its Agent specially appointed, and duly authorized to confer with the Government of this State for that purpose, expressed its determination to resist any measures that might be proposed for carrying into effect the decision of the King of the Netherlands, or that might in any way operate to the prejudice of our right of property, or the right of property and jurisdiction of the State of Maine, in and over the tract of territory transferred by the said decision to the British Government;—

*Therefore resolved,* That no other proceedings on the part of the Legislature are at this time required, than to authorize the Governor, and he is hereby authorized, with the advice and consent of the Council, to adopt such measures, during the recess of the Legislature, as he may deem necessary for supporting the dignity, honor and interest of the Commonwealth.

## CHAP. LXXV.

*Resolve on the petition of the inhabitants of Hopkinton.*

March 23, 1832.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to the Trustees of the Charity of Edward Hopkins, the sum of eight thousand dollars, in full settlement, satisfaction and discharge of the rents due, and all rents to become due from the tenants of lands in the towns of Hopkinton and Upton—and that His Excellency the Governor, by and with the advice and consent of the Council, be authorized and requested to draw his warrant for the same: *Provided, however*, that, in case said trustees shall refuse to accept the said sum of eight thousand dollars in full satisfaction of their claims as aforesaid, said payment shall not be made, nor warrant drawn, unless said tenants of lands in Hopkinton and Upton shall raise such additional sum as the said trustees shall, together with said sum of eight thousand dollars, accept in full discharge of their aforesaid claims, nor until the said trustees shall have made and executed, in due form of law, a full and complete release of all claims and demands in law or equity on this Commonwealth, and of all claims and demands for rent against the tenants of lands in the town of Hopkinton, and against the tenants of lands in the town of Upton, whereof the said trustees claim to be lessors, or successors of lessors: and that such release be executed in duplicate, and one release to be deposited in the office of the treasurer, and one in the office of the secretary of the Commonwealth, and be also recorded in the Registry of Deeds

for said Hopkinton and Upton lands. *And provided also,* that said payment shall not be made, nor warrant drawn, unless such release shall be executed and delivered within one year from the time of passing this resolve.

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## CHAP. LXXVI.

*Resolve for preserving the ancient pictures belonging to the Commonwealth.*

March 23, 1832.

*Resolved,* That the Secretary of the Commonwealth cause the ancient pictures of Governor Winthrop and other distinguished men in the colonial history of Massachusetts, which are now in Lobby No. 7, to be repaired, and put into suitable frames, and suspended in some conspicuous place in the State House.

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## CHAP. LXXVII.

*Resolve to pay Jacob Kuhn.*

March 24, 1832.

*Resolved,* That there be allowed and paid, out of the Treasury of this Commonwealth, to Jacob Kuhn, in full for his services as Messenger of the General Court, and for his care of the State House, and all other services rendered by him, including those mentioned in a resolve passed on the nineteenth day of October, in the year of our Lord one thousand eight hundred and fourteen, from

the thirtieth day of January last, to the thirty-first day of December next, the sum of nine hundred sixteen dollars and sixty-six cents and two-thirds of a cent, payable quarter yearly; and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

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### CHAP. LXXVIII.

*Resolve relating to the Southern Boundary of Massachusetts.*

March 24, 1832.

*Resolved*, That His Excellency the Governor be, and he is hereby authorized and requested to retain and employ counsel, and to take such other measures as he may think necessary and proper, in the defence of any action at law, or bill in equity, to which this Commonwealth may be summoned to answer before the Supreme Court of the United States, and wherein the state of Rhode-Island shall claim any part of the territory within the jurisdiction of this Commonwealth.

## CHAP. LXXIX.

*Resolve providing for the better security of the Public Documents.*

March 24, 1832.

*Resolved*, By the Senate and House of Representatives in General Court assembled, that the Secretary of this Commonwealth be, and he is hereby directed to examine the public documents preserved in the several departments of the government, and to select and remove to the fire proof edifice, which has been erected for the purpose of receiving them, such of said documents as it may be deemed expedient to deposit there, and to make a descriptive catalogue of the same ; and the said Secretary is hereby further authorized to employ a suitable person to assist him in this service, and also to provide suitable cases to contain the documents, and to make such other arrangements as may be necessary for their reception and safe keeping.

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## CHAP. LXXX.

*Resolve for the pay of the Council, Senate, and House of Representatives.*

March 24, 1832.

*Resolved*, That there be paid, out of the Treasury of this Commonwealth, to each member of the Senate and House of Representatives, two dollars, for each and every

day's attendance as such, the present political year, and the like sum of two dollars for every ten miles travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also to each member of the Council, two dollars for each day's attendance at that board, at every session thereof during the present political year, and the like sum of two dollars for every ten miles travel from their respective places of abode, once in each session thereof; and to the President of the Senate, and Speaker of the House of Representatives, each two dollars for each and every day's attendance, in addition to their pay as members.

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## CHAP. LXXXI.

### *Resolve on the Petition of John Pickering.*

March 24, 1832.

On the petition of John Pickering of Boston, in the County of Suffolk, Esquire, Trustee of certain Real Estate held by him in trust for the benefit of John White of said Boston, and his children, praying for authority to sell said Real Estate, and invest the proceeds in the manner set forth in said petition.

*Resolved*, for the reasons set forth in said petition, that the petitioner be, and he hereby is authorized and empowered to sell, either by public auction or private contract, as he shall think best for the parties interested, and to execute a good and sufficient deed or deeds to convey the said real estate, being a certain real estate in Lynn, in the County of Essex, consisting of the Farring-



ton farm, so called, which was formerly conveyed by Newell and others to Joseph White, late of Salem, in said County of Essex, deceased, and comprising a dwelling house, stable and other buildings, and the land under and adjoining, and being the same estate called and known by the name of Brookvale, containing about one hundred and fifty acres, with the appurtenances—*Provided*, that the said John Pickering shall first give bond to the Judge of Probate of the County of Essex, with sufficient surety or sureties, to invest the net proceeds of such sale, either wholly in real estate, within the City of Boston, or in stocks, funds, or other securities, or partly in such real estate, and partly in such stocks, funds, and other securities, according as the said Judge of Probate shall direct, and within one year from the day of the sale of said premises.

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## CHAP. LXXXII.

*Resolve empowering the Trustees under the will of James Perkins, to convey real estate.*

March 24, 1832.

On the petition of Thomas H. Perkins and others, trustees under the will of James Perkins, late of Boston, merchant, deceased, and of the guardian of the minor children of said James Perkins; and for the reasons therein contained :

*Resolved*, That Thomas H. Perkins, Samuel G. Perkins, and William H. Gardner, trustees as aforesaid, be and they hereby are empowered and authorized, with the consent of the guardian of said minors, to convey

by their deed to the proprietors of Tremont House, a corporation established by the Legislature of this Commonwealth, all the right, title, interest and estate of said minors and trustees in and to the land and buildings situate in said Boston, commonly known as, and called Tremont House, and appurtenances; and to receive therefor, as the full consideration of such conveyance, (to hold upon the trusts declared and created in and by the will of said James Perkins) stock in the said corporation to the amount of, and in proportion to, the share of said real estate so conveyed by said trustees.

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### CHAP. LXXXIII.

*Resolve for the distribution of the first part of the Report on the Geological Survey of the Commonwealth.*

March 24, 1832.

*Resolved*, That the six hundred copies of the first part of the Report on the Geological Survey of the Commonwealth, provided in pursuance of an arrangement made by His Excellency the Governor with advice of Council, for the use of the government, be delivered to the Secretary of the Commonwealth, and by him be distributed, as follows, viz.

Four copies to the Governor,

Two copies to the Lieut. Governor,

One copy to each member of the Council,

One copy to each member of the Senate and House of Representatives,

Five copies to be deposited in the Library of the State,

And that the remaining copies be distributed as his Excellency the Governor may direct.

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## CHAP. LXXXIV.

*Resolve on the Memorial of the Acting Quarter Master General.*

March 24, 1832.

*Resolved*, that the sum of five thousand dollars be, and the same hereby is appropriated, to defray the expenses of the Quarter Master General's Department; and His Excellency the Governor, with the advice of the Council, is hereby authorized to draw his warrant on the Treasurer for the same, in such sums, and at such times as the public service may require, in favor of the Acting Quarter Master General, for the faithful appropriation of which he is to be accountable.

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## CHAP. LXXXV.

*Resolve to enlarge the Land Office and Library Room.*

March 24, 1832.

*Resolved*, by the Senate and House of Representatives, in General Court assembled, that the Land Agent be, and he is hereby authorized and directed to cause a

communication to be opened between the Room now occupied as the Land Office, and the Room adjoining the same and to appropriate them both to the use of the Library.

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### CHAP. LXXXVI.

*Resolve providing additional funds for erecting and furnishing the State Lunatic Hospital at Worcester.*

March 24, 1832.

*Resolved*, That, to defray the expense of erecting the State Lunatic Hospital at Worcester, and preparing the same in a suitable manner for the reception of lunatics therein, the further sum of Twenty Thousand Dollars be and the same hereby is appropriated ; and His Excellency the Governor, by and with the advice and consent of the Council, be and hereby is authorized to draw his warrant from time to time upon the Treasurer of this Commonwealth, for such parts of said sum as he may deem necessary, in favor of any person charged with the duty of erecting and furnishing the said Hospital.

## CHAP. LXXXVII.

*Resolve providing for the copying of the Journals of the Convention of one thousand seven hundred and eighty.*

March 24, 1832.

*Resolved*, by the Senate and House of Representatives in General Court assembled, That the Secretary of the Commonwealth, be and he is hereby authorized and directed, to cause a fair copy to be made of the Journals of the Convention that was held in the year one thousand, seven hundred and eighty, for the purpose of forming a constitution of Government for this Commonwealth; and of such Reports and Documents remaining on the files of the same as it may appear most important to preserve, including the Address to the People;—And the Secretary is further authorized and directed to cause one thousand copies of the said journal and documents to be printed at the expense of the Commonwealth, and to transmit one copy to each of the towns in the Commonwealth and to the City of Boston.

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## CHAP. LXXXVIII.

*Resolve in favor of John V. Low.*

March 24, 1832.

*Resolved*, That there be allowed and paid, from the Treasury of this Commonwealth, to John V. Low, assistant messenger to the Governor and Council, two

dollars per day for each and every day he has been or may be employed in that capacity during the present session of the Council; and the Governor, with the advice of Council, is authorized and requested to draw his warrant on the Treasury accordingly.

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### CHAP. LXXXIX.

*Resolve for paying the City of Boston for the expense of improvements on Rainsford Island.*

March 24, 1832.

*Resolved*, That there be allowed and paid, out of the public Treasury, to the City of Boston, the sum of one thousand eight hundred and seventy nine dollars, and one cent, it being the amount expended in repairing buildings and erecting a store on Rainsford's Island; and His Excellency the Governor is hereby authorized to draw his warrant accordingly.

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### CHAP. XC.

*Resolve to provide for fuel and for other purposes.*

March 24, 1832.

*Resolved*, That there be paid, out of the Treasury of the Commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of one thousand dollars, to enable him to purchase fuel, and such other articles as may be necessary for the use of the General Court, Council

Chamber, the Secretary's, Treasurer's, Adjutant General's, and Quarter Master General's, Offices ; and also for the Land Office ;—and that the further sum of one hundred and twenty five dollars, be paid to the said Jacob Kuhn to enable him to pay the expenses incurred in the celebration of the twenty second of February last—he to be accountable for the expenditure of the same ; and His Excellency the Governor is requested to draw his warrant accordingly.

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## CHAP. XCI.

*Resolve to pay the Chaplains of both Houses.*

March 24, 1832.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to the Rev. F. W. P. Greenwood, Chaplain of the Senate, the sum of sixty dollars ; and to the Rev. Ralph W. Emerson and the Rev. Howard Malcom, Chaplains of the House of Representatives, the sum of thirty dollars, each, in full for their services in said capacities ; and His Excellency the Governor is hereby authorized and requested to draw his warrant accordingly.

## CHAP. XCII.

*Resolve prescribing the Form of Returns of Electoral Votes.*

March 24, 1832.

*Resolved*, That the annexed form of a return of votes for Electors of President and Vice President of the United States may be used, and that the Secretary of the Commonwealth be directed to furnish the City of Boston, and each Town and District in the Commonwealth, with two copies thereof, and to procure a sufficient number to be printed for that purpose, and that he also furnish the City of Boston and each Town and District with a copy of this Resolve, and of the Act directing the mode of choosing Electors of President and Vice President of the United States :—And that the Mayor and Aldermen of the City of Boston shall have like power as is hereby granted to the Selectmen of the respective towns in the Commonwealth, and with the further power to vary this form, so far as their corporate character may require.

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*Form of the Return of Votes given for Electors of President and Vice President of the United States.*

At a legal meeting of the Inhabitants of the (Town, District or City, as the case may be) of \_\_\_\_\_ in the County of \_\_\_\_\_, qualified according to the Constitution to vote for Representatives in the General Court, holden on the second Monday of November, one thousand eight hundred and thirty two, for the purpose of giving in their votes for Electors of President and Vice President of the United States :—The whole num-



ber of votes given in were received, sorted, counted, and declared, and record thereof made in open town meeting, as directed by the act passed the twenty fourth day of March A. D. 1832, and were for the following persons :

## ELECTORS.

At large—

Elector for Suffolk District—

Elector for Essex South District—

Elector for Essex North District—

Elector for Middlesex District—

Elector for Worcester South District—

Elector for Worcester North District—

Elector for Franklin District—

Elector for Hampden District—

Elector for Berkshire District—

Elector for Norfolk District—

Elector for Plymouth District—

Elector for Bristol District—

Elector for Barnstable District—

} Selectmen of  
}

Town Clerk.

N. B.—Insert the number of votes in words at full length.

## CHAP. XCIII.

*Resolve in favor of Nathan Colburn, a soldier in the war of the Revolution.*

March 24, 1832.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Nathan Colburn, the sum of one hundred dollars for services rendered in the Revolutionary war; and His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. XCIV.

*Resolve on the petition of Daniel Fellows jr. Guardian of the Chappequiddic Indians.*

March 24, 1832.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to Daniel Fellows jr. the sum of one hundred seventy two dollars and sixty eight cents, in full of all claims against the Commonwealth, for prosecuting a certain suit in behalf of the Indians of the Island of Chappequiddic, against the proprietors and patentees of land on said Island, to compel said patentees and proprietors to build and maintain the divisional line fence between said patentees and proprietors and the said Indians; and His Excellency the Governor is hereby authorized and requested to draw his warrant accordingly.

## CHAP. XCV.

*A Resolve for the payment of the expense of a special messenger to the Governor of Maine.*

March 24, 1832.

*Resolved*, That there be allowed and paid out of the public Treasury to the Eastern Stage Company, for expense of a special messenger to the Governor of the State of Maine, at Augusta, the sum of one hundred and four dollars in full for said service ; and His Excellency the Governor is authorized to draw his warrant accordingly.

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## CHAP. XCVI.

*Resolve authorizing repairs and alterations in the Council Chamber and Rooms adjoining.*

March 24, 1832.

*Resolved*, That His Excellency the Governor be, and he hereby is authorized to direct such repairs and alterations in the Council Chamber, and the Room and Entry adjacent thereto, and the furniture of said rooms, as he may consider necessary and expedient, and to draw his warrant on the Treasurer to defray the expense of the same.

## CHAP. XCVII.

*Resolve on the Petition of Samuel Hubbard as Guardian of Thomas Hancock, a person non Compos Mentis.*

March 24, 1832.

*Resolved*, on the petition aforesaid, that, for the reasons set forth in said petition, His Excellency the Governor be, and he hereby is authorized to appoint a Commissioner, who shall have full power to sell to said Hubbard as Guardian of said Hancock, on such terms and conditions as to said Commissioner may seem reasonable, a piece of the Commonwealth's land on Hancock street in the City of Boston, of sufficient width to enable said Guardian to obtain a free passage way to the land of said Hancock, lying in the rear of said Commonwealth's land, or to exchange land of the Commonwealth, there being, for a part of said Hancock's land, in such manner as may be beneficial to the said Hancock, and to the Commonwealth. And the said Hubbard, in his capacity of guardian, and the said Commissioner to be appointed on the part of this Commonwealth, are hereby authorized and empowered to make, execute and deliver good and sufficient deeds to carry into effect the intention of this Resolve, *Provided however*, that the doings of said Commissioner shall not be binding on this Commonwealth, until the same shall be approved by the Governor.

## Commonwealth of Massachusetts.

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TREASURY OFFICE, 2d. Month, (FEB.) 23, 1832.

The Treasurer, having examined and adjusted the accounts presented to him, asks leave to Report,

That there is due to the several persons enumerated on the following Roll the sums set against their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

Which is respectfully submitted,

HEZEKIAH BARNARD, *Treasurer.*

*To the Senate and*

*House of Representatives :*

## ROLL OF ACCOUNTS

*Audited by the Treasurer of the Commonwealth, and reported February 23, 1832.*

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### SHERIFFS.

Crane, Elijah, for returning votes,	6 97
Crocker, David, for returning votes,	11 20
Folger, P. S., for returning votes,	9 60
Leonard, Horatio, for returning votes, &c.	56 88
Lyman, Joseph, for returning votes,	16 00
Rice, Caleb, for returning votes, &c.	12 00
Sprague, Joseph E., for returning votes, &c.	52 60
Pease, Isaiah D., for returning votes,	8 00
Varnum, Benjamin F., for returning votes, &c.	23 70
Willard, Calvin, for returning votes,	6 72
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	\$203 67

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### CORONERS.

Cook, John, Jr. taking Inquisition,	14 92
French, Ezra, taking Inquisition,	9 10
Hobart, Samuel, for viewing and burying the body of a stranger,	8 36
Snow, Prince, taking Inquisitions, &c.	103 81
Wade, William F., for viewing and burying the body of a stranger,	7 00
Woodward, James, taking Inquisition,	11 03
Viall, Samuel, taking Inquisitions,	10 00
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	\$164 22

## PRINTERS.

Adams and Hudson, for publishing Constitutional amendments, &c. and for newspapers supplied to February 23, 1832,	192 83
Adams, John R., for publishing Constitutional amendments and laws, for 1831,	21 66
Adams, S. W., for publishing laws to June 1831,	23 58
Allen, Phineas, for publishing laws, constitutional amendments, &c. to January, 1832,	24 92
Atwood, Geo. W., for publishing laws and Constitutional amendments to January, 1832,	39 34
Atwill, W., for publishing Constitutional amendments to January, 1832,	6 00
Atwill, Herman, for publishing laws, constitutional amendments, &c. to January, 1832,	39 66
Badger and Porter, for newspapers supplied to February 23, 1832,	197 30
Ballard and Company, for publishing Constitutional amendments, advertising, &c. and for newspapers supplied to February 23, 1832,	60 44
Bates, Stephen, for newspapers supplied to February 23, 1832,	114 85
Beals and Homer, for publishing Constitutional amendments, advertising, &c. and for newspapers supplied to February 23, 1832,	221 55
Brown, W. C., for newspapers supplied to February 23, 1832,	8 99
Buckingham, Joseph T., for publishing Constitutional amendments, &c. and for newspapers supplied to February 23, 1832,	284 77
Buckingham, J. H., for publishing laws and Constitutional amendments to February, 1832,	23 66

Buffum, Jonathan, for publishing Constitutional amendments to February, 1832,	14 33
Burroughs, W. L., for publishing Constitutional amendments to February, 1832,	5 00
Chapin, Jacob, for publishing Constitutional amendments and laws, to January, 1832,	23 67
Clapp, William W., for publishing Constitutional amendments, and for newspapers supplied to February 25, 1832,	130 78
Colton, S. B. and Company, for publishing laws, Constitutional amendments, &c. to January, 1832,	33 67
Congdon, B. T., for publishing laws to June, 1831,	16 67
Danforth, Allen, for publishing Constitutional amendments, laws, &c. to January, 1832,	25 67
Dutton and Wentworth, printing for the Senate,	616 37
Do. " " House of Rep.	925 28
Do. " " Secretary,	686 19
Do. " " Adjutant General,	316 83
Do. " " Treasurer,	17 43
Do. " " Valuation Com.	367 06
Newspapers, &c. to Feb. 23, 1832,	22 62
	<hr/> 2,951 78
Eldridge, John B., for publishing laws to June, 1831,	16 67
Farmer, Jedidiah, for publishing laws, Constitutional amendments, &c. to January, 1832,	31 67
Fisk, Geo. W. H., for publishing laws for 1831,	16 67
Foote and Brown, for publishing laws, Constitutional amendments, &c. to January, 1832,	31 16
Garrison and Knapp, for publishing Constitutional amendments, and for newspapers supplied to February 23, 1832,	90 25



Goodrich, J. T., for publishing <sup>and</sup> Constitutional amendments to January, 1832,	14 33
Green, Samuel D., for publishing Constitutional amendments, and for newspapers supplied to February 23, 1832,	54 09
Hale, Nathan, for publishing laws, amendments, &c. and for newspapers supplied to February 23, 1832,	299 97
Huntington, J. D., for publishing laws, amendments, &c. to January, 1832,	34 67
Lummas, Aaron, for newspapers supplied to March 16, 1831,	6 34
Miller, Edwin B., for publishing Constitutional amendments to January, 1832,	5 00
Moore and Sevey, for newspapers supplied to February 23, 1832,	6 00
Nichols, William, for publishing Constitutional amendments, &c. and for newspapers supplied to February 23, 1832,	29 00
Paul, Benjamin, for publishing Constitutional amendments to January, 1832,	5 00
Prescott, Edward G., for publishing Constitutional amendment, and for newspapers supplied to February 23, 1832,	68 49
Proprietors of Massachusetts Journal, for newspapers supplied to February 23, 1832,	35 02
Proprietors of Boston Investigator, for publishing Constitutional amendments, and for newspapers supplied to February 23, 1832,	19 35
Proprietors of Free Press Association, for publishing laws for 1831,	16 67
Phelps and Ingersoll, for publishing laws for 1831,	16 67
Reed, David, for newspapers supplied to February 23, 1832,	37 55

Rogers, W. E. P., for publishing Constitutional amendments to January, 1832,	7 00
Russell, J. B., for newspapers supplied to Feb. 23, 1832,	87 92
Snow, Josiah, for publishing laws for 1831,	16 67
Stone, Edwin M., for publishing Constitutional amendments, and for newspapers supplied to February 23, 1832,	7 37
Thayer, A. W., for publishing laws and amendments to January, 1832,	22 67
True and Greene, for publishing Constitutional amendments, and for newspapers supplied to February 23, 1832,	120 53
True, Benjamin, for publishing Constitutional amendment to February, 1832,	7 00
Wheilden, W. W., for publishing laws and amendments to January, 1832,	46 07
Willis, Nathaniel, for publishing Constitutional amendments, and for newspapers supplied to February 23, 1832,	46 23
Wilder, S. A., for publishing laws for 1831,	16 67
Woolson, Charles J., for publishing laws, &c. and for newspapers supplied to March 19, 1831,	27 51
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	\$5,701 33

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### MISCELLANIES.

Assessors of Leominster, for making a valuation of the polls and estates of certain unincorporated territory called "No town," adjoining said Leominster, agreeably to the second section of an act to ascertain the

rateable polls within this Commonwealth,  
passed March 19, 1831, viz :

David Wilder,	13 40
Rufus Kendall,	13 40
Solon Carter,	10 80
Adams, W. and G. W. for blacksmiths' work for repairs, &c. on State House, to Febru- ary, 1832,	24 96
Adams, Daniel, for repairing pumps, &c. to September 3, 1831,	10 95
Allen, Andrew J., for stationary for Secretary's office, to December 14, 1831,	30 74
Bacon, Henry, for attendance on the Valuation Committee to January 3, 1832,	74 00
Baldwin, Luke, for his bill of fees in the case of "Sewall, Treasurer, vs. Jones and Co."	5 00
Blaney, Henry, for masons' work, &c. in the State House to January 12, 1832,	73 15
Bradlee, Samuel and Son, for hardware for re- pairs &c. on the State House, to Feb. 6, 1832,	78 42
Burditt, James W., for stationary to February 15, 1832, viz :	
for Legislature, &c.	459 13
" Secretary,	125 27
" Library,	28 00
" Adjutant General,	1 00
" Treasurer,	1 75
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	615 15
Carter and Hendee, for stationary for Seere- tary and Adjutant General, to Feb. 10, 1832,	148 25
Commissioners for examining Treasurer Sew- all's accounts to July 1, 1831, viz :	
Charles Wells,	9 00
S. Lincoln,	13 00

R. Rantoul,	14 00
John Wade,	11 00
D. Baxter, Jr.	9 00
Cutting, Elijah W., for the attendance of himself and son on the Valuation Committee to January 3, 1832,	105 00
Goodrich, Isaac W., for stationary for the Secretary to January 10, 1832,	30 00
Gore and Baker, for painting iron pales, blinds, &c. to November 24, 1831,	8 75
Loring, Josiah, for stationary for the Secretary and Treasurer, to February 9, 1832,	71 94
Loring, James, for Registers supplied the Governor and Council, to January 20, 1832,	11 67
Oliver, John, keeper of Rainsford's Island, his annual allowance, including wood, for 1831,	104 44
Passarow, John, for examining, arranging and labelling the files of the Senate, to January, 1831,	196 93
Snelling, Enoch H., for setting lights, cleaning windows, &c. in the State House, to February 2, 1832,	51 13
Stewart, E., for examining, arranging and labelling the files of the Senate, to December, 1831,	169 62
Wheeler, John H., for repairs, &c. on the State House, to February 15, 1832,	327 78
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	\$2,236 48

**AGGREGATE.**

Sheriffs,	203 67	
Coroners,	164 22	
Printers,	5,701 33	
Miscellanies,	2,236 48	
	<hr/>	\$8,305 70

**Commonwealth of Massachusetts.**

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In the year of our Lord one thousand eight hundred and thirty-two.

*Resolved*, That there be allowed and paid, out of the public treasury, to the several persons mentioned in the foregoing Roll, the sums set against such persons' names respectively, amounting in the whole to the sum of eight thousand three hundred and five dollars and seventy cents ; the same being in full discharge of the accounts and demands to which they refer ; and His Excellency the Governor is requested to draw his warrant accordingly.

IN SENATE, FEBRUARY 27, 1832.

Read twice and passed :

Sent down for concurrence,

WILLIAM THORNDIKE, *President*.

HOUSE OF REPRESENTATIVES, MARCH 2, 1832.

Read twice and passed in concurrence :

W. B. CALHOUN, *Speaker*.

March 2, 1832.—Approved,

LEVI LINCOLN.

## ROLL, No. 106.....JAN. 1832.

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The COMMITTEE ON ACCOUNTS, having examined the several accounts for STATE PAUPERS, and the accounts for MILITIA SERVICES, presented to them, report,

That there are due to the several CORPORATIONS and PERSONS hereinafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

By order of the said Committee,

ELIHU HOYT, *Chairman.*

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### PAUPER ACCOUNTS.

ALL OF WHICH ARE TO JANUARY 1, 1832.

Alford, for support of Wm. Goldburn, adult, and Minerva Smith, a child,	27 19
Abington, for support of Antonio Juho and Margaret Jack, adults,	42 30
Amesbury, for support of Robert Baker, James Richards, and Nancy Nugeon, adults, and Joseph, Lyman, George and Joshua Hailey,	

and John, James, Mary Ann, and Susan Hartley, children,	94 14
Ashfield, for support of Charles Simpson, an adult,	38 75
Attleborough, for support of Mary Montgomery, Ephraim Davenport, Susan Wales, Daniel Watson, and John Briggs, adults, and Betsey, Elenor, and James Bromley, children,	209 63
Adams, for support of Phebe Hill, Robert Harris, Sarah Dodge, Agnes Mowers, and Lydia Townsend, adults,	107 00
Ashby, for support of John A. and Charles E. Roberts, children,	34 40
Andover, for support of Sukey Hornsby, Peter Sigourney, Flora Chandler, Dinah Chadwick, Mary Murry, Mary Haley, and Lucy Foster, adults, and Hannah Highland, and Jeremiah, Margaret, Sarah, Mary Ann, and Morris, Murry and Joseph, Lyman, George, Joshua, and Mary Ann Haley, children,	105 14
Amherst, for support of Jane and Polly Richardson, Peter and Sarah Jackson, John Alrow, and James Brockway,	128 52
Beverly, for support of Dolly Claxton, Sarah Wait, Harriet Cameron, adults, and Joseph Cameron, Benjamin Cameron, Elizabeth, William and Asa Wait and John Kelly, children, and funeral expenses of Benjamin Patterson	54 36
Barnstable, for support of John Robinson, an adult,	21 40
Boxborough, for support of Andrew Jackson, a child,	33 90



Boston, for support of 33 children in the House of Reformation,	347 82
Boston, for support of sundry paupers in the House of Industry,	5238 86
Boston, for supplies to sundry paupers,	1671 33
Belchertown, for support of Susan M'Intire, Harriet Levens, Samuel Woodman, James M'Donough, John and Mary Godfry, John and Joanna Cowley, and Moses Killborn, adults, and Stephen Smith, a child,	101 04
Berkley, for support of James Cuddy and Mary Lindall, adults,	81 60
Brimfield, for support of John Shelburne, Thomas Corbin, Peter Thompson, and Mary Paine, adults, and Geo. W. Paine, a child, and funeral expenses of John Shelburne,	115 39
Brookfield, for support of John Sawbury, an adult, and Isabella, and Wyman Adams, children,	49 17
Becket, for support of James Hamblin, an adult, and James Parker, a child,	34 24
Blandford, for support of John H. Durham, and Susan and Polly Burdick, adults,	61 80
Braintree, for support of Christopher Joseph Titus, a colored man, and Thomas Evans, adults, and Ann Gowith, a child,	118 51
Bridgewater, for support of John and Jane Chesnut, Paul C. Chute, Rachel Eleba, and Nancy Augustus, adults, and Amy Ward, and child,	168 84
Barre, for support of Dinah Baker, James Davis, Jane Navin, and Anna Humphrey, adults, and Thomas Jefferson and Gardner Hutchins, children,	52 94

Cambridge, for support of 191 adults, and 44 children, and funeral expenses of 5 adults,	2232 10
Conway, for support of Hannah Hall, Sally M. Murphy, and Robert Burgess, adults,	64 20
Chelsea, for support of Betsey Jones, John Watson, Charles Candler, and Mons. Nelson, adults,	79 83
Cheshire, for support of Ephraim Richardson, Noel Randall, Polly Cooper, Molly Dimond, Levi Peirce, and Ebenezer Lilley, adults,	128 40
Charlton, for support of Robert Bennett, John Miller, and Joseph Humphrey, adults, and Joseph Humphrey, a child,	37 12
Colrain, for support of Kate Vanvatenberg, an adult, and John, Lucy and Harriet Freeman, children,	59 92
Charlestown, for support of one hundred and forty seven adults, and forty eight children, and funeral expenses of ten adults and four children	2257 94
Clarksburgh, for support of Lovel Hill, Naomi Hill, and James Cook, adults, and Malvira, William and Caroline Hill, children,	83 44
Canton, for support of Edward M'Ardle, Hannah Buckley, Jeremiah Baucroft, and Geo. Hepworth, adults, and Mathew Gaffany and Joseph and Samuel S. Hepworth, children,	92 85
Concord, for support of James Riley and wife, and four children of Nathan Cass,	18 92
Cummington, for support of Brister Peirce, an adult,	19 87
Chelmsford, for support of Joanna M'Lane, and Elijah Hall, Jr., adults,	44 50

Chester, for support of Jerry and Benjamin Hardy, adults,	42 80
Dedham, for support of Paul Cain, Mary Mack, John King, Charlotte M'Donough, Mary Conner, Dorcas Jordon, and Thomas M'Avoy, adults, and Mary and Eliza B. Mack and George Frost, children, and funeral expenses of Mary Mack,	211 51
Dudley, for support of Alsbury Reynolds, Sarah Wilson, Isaac Brown, Eliza, Latin, and Ann Brown, adults, and William Sloane, Eunice, Charles, Phebe, and John Brown, children, and funeral expenses of Isaac Brown,	167 72
Deerfield, for support of Louisa Witherell and ——— Prince, adults,	42 80
Danvers, for support of John Fitzgerald, Caesar Wilcox, Owen Miller, Joel Wesson, John Henly, James Wallace, John Carden, John Carnes, John B. Williams, Thomas Rand, James Allen, Eliza Mahon, and Michael Griffin, adults, and William Allen, John and Charlotte Mahon, children,	173 61
Dorchester, for support of widow Burgoine, Robert Marshman, Edmund Mahar, Nancy Edwards, Thomas Rand, and Mary Child, and five children,	70 50
Dighton, for support of Betsey Fisk, an adult, and funeral expenses,	23 60
Dartmouth, for support of James Jenkins, Cuff Freebon, Mary Ann Suckernish, adults, and Caroline Sweet, a child,	98 12
Dracut, for support of Moses Freeman, Abigail Townsend, John Buchanan, wife and	

four children, Robert Ashley's wife and six children, Edward Reed's wife and two children, James Finaughty's wife and three children, and funeral expenses of Moses Freeman and John Buchanan,	289 06
Dalton, for support of Richard and Molly Hoose adults, and Charles M'Kee, a child,	55 64
East Sudbury, for support of David Curtis and Isaac Locke, adults,	25 82
East Bridgewater, for support of Lavinda Nero, Betsey Chase, Elihu Stevens, Meribah Williams, Samuel Wood, Asa Mingals, Harriet Wood, Robert Seaver, and Catherine Beals, adults, and one child of C. Beals, and two children of Meribah Williams,	222 32
Essex County, for support of sundry paupers in the House of Correction,	767 39
Eastham, for support of Benjamin F. Johnson an adult,	40 82
Egremont, for support of Betsey Daly, Isaac Freeman, Rosanna Van Guilden, Reuben Van Guilden, Andrew M'Carron and Peggy M'Carron, adults, and Wm. Race and George A Kline, children,	266 04
Enfield, for support of Deborah Butterfield an adult,	40 81
East Hampton, for support of Submit Bailey, an adult, and Ozias and Charles Bailey, children,	47 08
Foxborough, for support of Sarah G. Howe, an adult,	21 40
Framingham, for support of Joel Atkins, James Johnson, and Daniel Campbell, adults, and Eliza Blake, a child,	68 16

Fairhaven, for support of 13 adults and 4 children,	246 76
Great Barrington, for support of Joanna Porter, Lucy Porter, Peter Smith, Sarah Smith, John W. George and Joseph Bradley, adults, and Henry Eaton, Amarilla Wells, and Maria Rogers, children,	155 12
Granville, for support of Sally Stewart, Mary Burden, and Minerva Barker, adults, and Clarissa Barker, and Chauncey Goodrich children,	76 18
Grafton, for support of Stephen and Elizabeth Philips, John Laton, and Robert H. Lane, adults, and Francis L. Whitaker, a child,	63 36
Groton, for support of Richard Brenton, Eunice Benetradt, David Blair, and Margaret Butler, adults,	62 10
Gill, for support of Polly Lamson, an adult,	36 40
Greenfield, for support of Abigail Taggart, and James and Martha Gaines, and C. Goland and O. Bates, children,	86 19
Hawley, for support of Gilbert Graves, and Mabel Barnes, adults,	10 80
Hubbardston, for support of Daniel Mundell, an adult,	38 24
Haverhill, for support of Anna Clapp, John Gould, Ira Hammond, Susan Hammond, Elias Hazard, and Nancy Reed, adults, and John Q. Adams, a child,	151 00
Hancock, for support of Silas and Sally Chipman, Israel and Mary Clark, and Abigail Jones, adults, and Phebe Ann, George W., David, Betsey and Sarah Jones, and John H. North, children,	127 32

Holden, for support of Betsey Lebo, an adult,	10 80
Holliston, for support of John B. Ford, an adult,	21 40
Hardwick, for support of Hannah Jonah, an adult,	18 91
Hanover, for support of Hannah Long, an adult,	21 40
Harwich, for support of James Robins, an adult,	40 82
Hadley, for support of Rebecca Allen, an adult,	21 40
Ipswich, for support of John O'Brien, and Francis Lord, adults, and child of Francis Lord,	55 64
Kingston, for support of Sophia Holmes, and child,	64 43
Leyden, for support of Arnold Clark, Tacy Clark, Ruth Abel, Joseph Abel, Philis Young, Sarah Stanton, Catharine Booth, and Hannah Cole, adults, and George White Louis, Sarah and Catharine Booth, and Jane Golden, children,	234 20
Leicester, for support of Thomas Waters, Mary Davis, Roland Cobb, and Betsey Cobb, adults, and Joel F., Sarah E., Rolland jr. Harriet S., and Nancy M. Cobb, children,	76 76
Leverett, for support of John Gauzy, an adult,	40 80
Lee, for support of Sarah Ross, John Somers, and wife, Abigail Howland, Chester S. Hodge, and Olive Hodge, adults, and Jeffrey Tucker, a child,	110 24
Lenox, for support of Moses M'Grew, Dayton Fuller, Edward Hurlburt, and Catharine Hough, adults, and Aurilla, Lucinda, and Edward G. Hurlburt, Samuel Jackson, Hen-	

ry Venyke, and Dayton, jr. Lester and Erastus Fuller,	183 02
Long Meadow, for support of Rachel Parker, an adult,	44 80
Ludlow, for support of Thomas Brainard, and Harvey Olds, adults,	81 62
Lowell, for support of 24 adults, and 6 children,	218 61
Lunenburg, for support of William Shearer, and Jane Mitchell, adults, and Jane Rensalaer, and Sidney Dollivan, children,	137 09
Lynn, for support of 13 adults, and 3 children,	91 04
Montgomery, for support of Willard Convers, and Hannah Boham, adults, and funeral expenses of Willard Convers,	37 20
Methuen, for support of Wm. and Mary Richards,	47 24
Mt. Washington, for support of Eben, Worden, and Peggy Winchel, adults, and Hannah Worden, Rosey Winchel, and Albert Winchel, children,	114 25
Monson, for support of Mary Allen, Hannah Brown, Kora Story, Dolly Wallis, Benjamin Jenkins, and Lydia, Phoebe, Lucia, and Calvin Whitaker, adults, and Biram, and James Wallis, Alvira, Levi, and Orin Jenkins Catherine Warren, Rufus, and Martha Whitaker, children, and funeral expenses of Calvin Whitaker,	95 78
Manchester, for support of Wm. Edward, and Joseph Wheaton,	25 68
Milton, for support of James Bowman, Archibald McDonald, John C. Drew, and Thomas Evans, adults, and George Hamilton, and Michael, Margaret, John and James Fox, children.	94 48

Mendon, for support of Levi Young, John Ager, Martha Newell, and Mary Mercy, adults,	81 10
Middleborough, for support of 14 adults, and 5 children,	654 57
Milford, for support of Nathan Trufant, and Henry Burley, adults,	42 07
Marshfield, for support of John Baker, Samuel Homes, Bristol White, Henry Prince, and John Quackow, adults, and John jr., Jane, Phebe Quackow, children,	139 14
Medford, for support of Lydia Brooks, Sarah Yarnen, Dorothy Lyman, and Michael Farroll, adults, and Harriet A. and Eliza Brooks, and John Yarnin, children,	136 96
Milbury, for support of James Stone, and Mary Doyle, adults, and Marcus, Dacy, Basha, Martha, and Isaac Flood, children, and funeral expenses of James Stone,	79 80
Malden, for support of 11 adults, and 6 children,	251 06
Middleton, for support of Rosanna Diggs, Catharine Freeman, and Charles, and Betsey Frames, adults,	58 49
Marblehead, for support of Aaron Manden, Mary Cand, Hercules Gardner, Jane Babylon, Joseph L. Lewis, Elias Fish, Luke Winnins, and wife, Fridget Cook, Thomas Rand, and Peter Johnson, adults, and Catharine Cook, a child,	116 26
Marshpee Plantation, for support of Richard Holmes, James and Lois Sells, Anthony Hinson, Ephraim Jennet, George Jones, and Thomas M. Grego.	224 20
New Bedford, for support of 57 adults and 19 children, and funeral expenses,	992 00



Newton, for support of Ann Green, Jonathan French, Joseph Pickering, Richard Ashba, and Sarah Ashba, adults,	96 90
Newburyport, for support of 32 adults and 14 children,	580 32
Northampton, for support of 29 adults and 16 children,	381 12
New Marlboro, for support of Oliver Warn, an adult,	23 34
Northborough, for support of Jacob West, an adult,	39 65
Nantucket, for support of Anthony Swasey, Mary Andrews, Philis Painter, Chloe Golding, Mathew Smith, Nathan and Sophia Beebe, Catharine Richardson, and William Huchinson, adults,	364 48
Newbury, for support of 16 adults and 17 children,	383 58
North Bridgewater, for support of James Dorrén, Deborah P. Ransaleer, and Charlotte P. Wood, adults,	64 20
New Ashford, for support of Mary Fallis, an adult,	21 40
Norwich, for support of Ruth Sanford, and Rufus Miner, adults,	81 60
Norfolk county, for support of sundry paupers in the House of Correction,	121 40
Overseers of Gayhead, for support of Hezekiah Sewal and Joshua Stevens,	51 80
Otis, for support of Polly Wilna, Abijah G. Hazard, Eunice Hazard, Timothy Tiffany, and Jennet Mitchell, adults,	143 85
Orange, for support of James Emory and wife, and Mary Smith,	19 56
Pawtucket, for support of Jane Donalson, an	

adult, Nancy Donalson, and Catharine Daly, children,	40 00
Pembroke, for support of Rhoda Prince, and Mary Gifford, adults, and funeral expenses of Rhoda Prince,	33 75
Paxton, for support of William Fisk, adult, and Hannah Jonah a child,	42 81
Plymouth, for support of John Roaf, John Worthing and James Reed adults,	109 71
Pittsfield, for support of 7 adults and 16 chil- dren	288 26
Richmond, for support of Nancy Jessup, Su- san Darling, Jacob Wicker, Sarah H. R. Crittenden, Asenath Ann Darling, Mary- Jane, Francis-Henry, Emilina C. Darling, and Adeline M. Hogan, children,	173 20
Royalston, for support of Alice Clements, and Thomas Blodgett,	78 54
Roxbury, for support of 24 adults and 20 children,	397 21
Rochester, for support of Edward B. Sanford, wife and 4 children,	172 30
Rowley, for support of 38 adults and 7 chil- dren,	425 44
Rowe, for support of Almira, Mary, and Noah Wilcox, and Annis Carpenter, children,	84 80
Rehoboth, for support of Aaron Freeman, Lucy Kelley, Nancy Green, Nancy Hills, Eliza Ma- son, & Cyrus L. Morse, adults, and Mary, and Eliza Mason, children,	154 96
Russell, for support of Mary Newton, and Sal- ly Harrington, adults, and Mary, & Nancy Hale, children,	68 58
Randolph, for support of Lydia Dace, an adult,	34 90

Sheffield, for support of Charlotte, and Sarah Turner, Andrew, and Nancy Doyle and Joseph and Rebecca Robinson, adults, and 3 children,	97 64
Southampton, for support of John Cochran, an adult, and Robert Livingston, a child,	27 28
Stockbridge, for support of Abraham Parmele, Martha Dowd, Margery Curtis, Dinah Elky, and Dorcas Webster, adults, and Nancy Duncan, a child,	112 50
Somerset, for support of Polly Hill, and Ann M'Given, adults, and Alice and Thomas M'Given, children,	68 48
Sandisfield, for support of Benjamin Whitney, a child,	12 84
Seekonk, for support of Elizabeth Cowden, Hannah Robbins, Susannah Matteson, Molly Burs, and Reuben Frost, adults, and funeral expenses of Hannah Robbins, and Susannah Matteson,	205 80
Stoughton, for support of Isaac Williams, an adult,	39 91
Spencer, for support of Susannah Bowland, an adult, and Melansa, Mary, Theophilus, and Alenor Trueman,	123 73
Shutesbury, for support of John and Susan Vannally, adults, and Sarah, Edward, Clarissa, and Charles Phinmore, children,	94 16
Sutton, for support of James Cannonan, adult,	16 00
Stow, for support of Moses Gehu, an adult,	14 90
Salem, for support of 34 adults, and 17 children, and funeral expenses of 6 adults, and 1 child,	1,049 13
Swanzey, for support of Martha Dousnips, Judith M'Carter, Susannah, an Indian, Betsey	

Lovely, Rosilla Freeman, adults, and funeral expenses of Olive B. Freeman,	53 59
Scituate, for support of Susan Lindal, Zilpah Whitcomb, Zilpah Scott, Betsey Freeman, adults, and Elizabeth G. Lemuel, and Olive Freeman, children,	107 24
Sharon, for support of Edward Ellis, Elizabeth Ellis, and Hannah Bucklin, adults,	78 03
Sturbridge, for support of Samuel Wheldon, and Joseph Doras, adults, and funeral charges of Joseph Doras,	26 00
Shrewsbury, for support of Nancy Johnson, and Elenor Johnson, children,	43 52
Shirley, for support of Mary M <sup>c</sup> Kenzie, Jenney Mitchell, Thomas Benson, and John Putnam, adults, and Fanny, Charles and Walter J. Mitchell, children, and funeral of J. Putnam,	212 33
Springfield, for support of 12 adults and 16 children,	418 18
Tyringham, for support of Richard Gardner, Asa Thompson, Mary Diskill, Pamela Philly, Temperance Sears, Elvira Watkins, Thomas Cooney, and Joseph Ayers, adults, and Mary Ayers, Sarah and ——— Ayers, children,	177 78
Taunton, for support of eleven adults and three children, and funeral expenses of three adults,	170 94
Topsfield, for support of Phillis Emerson, Ira and Susan Hammond, Christopher and Mary Brown, Henry Prescher, and Luke Weems, wife and daughter, adults, and two children,	41 46

Townsend, for support of Edward M'Bride, an adult, and Samuel B. and Henry Jackson, children,	58 50
Tolland, for support of Hannah Mather, and Daniel Swan, adults,	12 50
Tewksbury, for support of Royal Sheppard, and William R. Robinson, adults,	11 30
Tyngsborough, for support of Thomas M'Gla-thery, and Catherine M'Clenna, adults,	66 24
Upton, for support of Mary Bryant, an adult,	38 88
Uxbridge, for support of Mary Pratt, an adult,	21 40
Westfield, for support of John N. and Esther Berry, Mary Ann, and Sally Baker, Hepzibah Brown, Asseneth Gibson, Betsey Rose, Mary Parks, Charlotte Spires, and Merrit Blackster, adults, and Eunice French, George Dewey, Cynthia Baker and Lucretia, and John Spires, children,	232 24
West Springfield, for support of Hannah and Lois Shivoy, Laura Shapen and Valentine Worthy, adults, and Rodney, and John Benedict, children,	124 12
West Hampton, for support of Jane Gay, and Sylvia Miller, adults and Felia Sherman, and Robert Livingston,	73 26
Worcester County, for support of sundry paupers in the House of Correction,	372 92
West Stockbridge, for support of Ebenezer and Abigail Wood, Sally Barton, James C. Biggs, Lucy Lane, Lucretia Bellamy, Thomas Conny, and Luther Patterson, adults and Frederick H. and Elsey A. Stodard, and Henry W. Rogers, children,	191 72

Wilbraham, for support of Eunice Davis, Mary Walker, Alice Dodge, John, Joanna, and Loadicea Amidon, Charles and Sally Noe, and Rodney Granhood, adults, and Esther, and Perlin Truden, John and Samuel Wright, and Persis A. Noe, children,	350 29
Wrentham, for support of Sylvia Pettice, James Lewis, Thomas Ody, Mary Ody, Thomas Hender, Richard Ashley, John and Phebe Brown, Samuel and Louisa Bliven, Daniel Watson, Ivory Bailston, Ann Couper, adults, and Eliza A. Woodward, Phebe Bliven, and Susannah, Jane, and Rosanna Ody, children,	132 31
Worcester, for support of Michael Flemming, and Jonas Brooks, adults, and Thomas and John Murphy, George Marsh, and Mary Gall, children,	169 05
Ware, for support of Thomas Dennison, Jacob Jackson, John J. Upham, adults, and Geo. W. and Horace Boothe, and Eliza, Caroline, and Henry Olney, children,	230 16
Warwick, for support of Samuel and Molly Gunn, and John C. Miller, adults, and Charles Gunn, a child,	61 77
Waltham, for support of James Buchanan, John Albrow, and John Call and wife, adults,	23 40
West Newbury, for support of George R., Wm. A., Rebecca D., Sarah H., and Henry Renton, children,	64 20
Williamsburg, for support of James Turner and child,	34 24
West Bridgewater, for support of Thomas Quinby, an adult,	41 60

## MILITARY ACCOUNTS.

205

Whateley, for support of Elizabeth M'Coy, and Jesse Jewit, adults,	42 30
Weston, for support of Michael Walch, an adult, and Joseph R. Trim, a child,	41 25
Williamston, for support of Asahel and Aure- lia Foot, John G. Hendesell, and Betsey Jackson, adults, and Amy M. Williams, Ann, Letitia, Harriet, Seymour D. L., and Lama L. Foot, and F. Porter, children,	226 84
Yarmouth, for support of Black Lett, and Anna Knight, adults,	46 14
Suffolk County, for support of sundry paupers in the House of Correction	227 90

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## MILITARY ACCOUNTS.

FOR JANUARY SESSION, 1832.

### *Aids de Camp to Major Generals.*

Wm. S. Allen, to Dec. 31, 1831,	21 80
M. M. Rutter, to Dec. 31, 1831,	25 00
Charles Ely, to Jan. 31, 1832,	25 00
Welcome Young, to Dec. 31, 1831,	20 50
Franklin Weston, to Jan. 1st, 1832,	25 00
	<hr/>
	\$117 30

### *Brigade Majors.*

Bradford L. Wales, to Jan. 1, 1832,	40 00
Truman Clark, to Jan 1, 1832,	40 00

William C. Tyler, to Sept. 1, 1831,	28 89
Jabez W. Barton, to Jan. 1, 1832,	40 00
M. P. Parish, to Jan. 1, 1832,	40 00
Wyman Richardson, to Jan. 1, 1832,	40 00
Hiram F. Stockbridge, to Jan. 1, 1832,	36 67
Wm. M. Lothrop, to Jan. 1, 1832,	9 78
Plin. Allen by his Administrator Amos Norcross to Oct. 3, 1831,	52 20
Arad Thompson, to Sept. 30, 1831,	20 55
James R. Sprout to Jan. 1, 1832,	11 11
George D. Atwood to Dec. 31, 1831,	40 00
Freeman Foster, jr. to Jan. 1, 1832,	40 00
Linus Child, to Jan. 1, 1832,	54 66
Otis Adams, to July 15, 1831,	21 67
Increase Sumner, to Dec. 31, 1831,	40 00
Albert G. Belden, to Jan. 1, 1831,	11 12
Wm. C. Plunkett, to Sept. 20, 1831,	28 88
	<hr/>
	\$595 53

*Adjutants.*

E. W. Stone, to Dec. 31, 1831,	25 00
Appleton Howe, to Jan. 1, 1832,	25 00
Francis D. Holbrook, to Dec. 31, 1831,	25 00
Stephen Hall, to May 30, 1831,	6 20
Josiah N. Bird, to Sept. 17, 1831,	17 83
Stephen Wescott, to May 30, 1831,	10 42
Emor S. Sales, to Jan. 1, 1832,	25 00
Nathaniel Bird, to May 30, 1831,	6 25
Sumner Crosby, to Dec. 31, 1831,	25 00
Ivers J. Austin, to Jan. 1, 1832,	25 00
John C. Park, to Sept. 1, 1831,	16 66
Calvin W. Haven, to Jan. 1, 1832,	8 33



Jabez Pratt, to Aug. 15, 1831,	6 25
Samuel Thompson, to Jan 1, 1832,	5 62
Daniel W. Rogers, to Jan. 1, 1832,	25 00
Ebenezer Sutton, to Sept. 20, 1831,	4 85
Hazen Ayer, to Jan. 1, 1832,	6 72
J. M. Sanderson, to Sept. 1, 1831,	25 00
Ebenezer Sutton, to July 8, 1831,	13 05
John Towne, to July 31, 1831,	4 85
Joseph P. Turner, to Oct. 1, 1831,	11 25
Stephen Adams jr. to Jan. 1, 1832,	25 00
Reuben Evans, to July 1, 1831,	12 50
John Davis, to July 30, 1831,	14 58
Benjamin Dana, to Dec, 31, 1831,	25 00
Homer Tilton, to Jan. 1, 1832,	25 00
Josiah Clark, to Jan. 1, 1832,	25 00
Horace Heard, to Jan. 1, 1832,	25 00
Geo. W. Tarbell, to Jan. 1, 1832,	25 00
Henry J. Baxter, to Jan. 1 1832,	25 00
Alvan Fowler, to July 1, 1831,	12 50
Phineas B. Baker, to Oct. 1, 1831,	4 16
Frederick G. Curtis, to Dec. 31, 1831,	6 25
James B. Porter, to July 5, 1831,	12 67
Asahel H. Bartlett, to Jan. 1, 1832,	10 42
Wm. H. Squire, to June 30, 1831,	12 50
Eleazer Porter, to May 30, 1831,	22 35
C. R. Baldwin, to Jan 1, 1832,	25 00
Joseph B. Sheffield, to Jan. 1, 1832,	25 00
Samuel W. Kirkland, to Jan. 1, 1832,	25 00
John J. Graves, to Jan. 1, 1832,	25 00
Wm. E. Russell, to Jan. 1, 1832,	25 00
Lucius Graham, to Sept. 12, 1831,	17 50
H. N. Ward, to July 12, 1831,	13 33
Joseph Tylor, to Sept. 6, 1831,	17 05
Charles S. Meed, to Jan. 1, 1832,	5 91

Marshall S. Meed, to Jan. 1, 1832,	32 16
R. B. Bradford, to Jan. 1, 1832,	25 00
Horace Collamore, to Jan. 1, 1832,	25 00
Dion Bryant, to Sept. 23, 1831,	37 50
Arad Thompson, to July, 27, 1831,	14 34
Wm. H. Cushman, to Jan. 31, 1832,	10 70
Henry Luther, to Jan. 1, 1832,	25 00
George Danforth, to Dec. 31, 1831,	25 00
Ira Newman, to Jan. 1, 1832,	25 00
John I. Lawton, to Jan. 1, 1832,	25 00
Theodore Kerr, to Dec. 31, 1831,	25 00
Samuel Shiverick, to May 30, 1831,	21 25
Silas Jones, to May 31, 1831,	10 42
David Hill, to July 31, 1831,	12 50
Amos W. Pitts, to Jan. 1, 1832,	12 50
Joseph Knox, to Jan. 1, 1832,	25 00
Samuel C. Fiske, to Jan. 1, 1832,	44 80
Wm. N. Green, to May 31, 1831,	10 41
John G. Thurston, to Jan. 1, 1832,	50 00
Williard S. Wood, to April 14, 1831,	16 64
Spencer Field, to Dec. 1, 1831,	25 00
Ruel Lawrence, to Jan. 1, 1832,	25 00
Luke Beal, to Jan. 1, 1832,	25 00
Edmund H. Nichols, to Jan. 1, 1832,	15 00
Edmund Bush, to Jan. 1, 1832,	25 00
Edward Sexton, to Jan. 1, 1832,	25 00
Elias Wright, to July 4, 1831,	12 78
Rodney Hill, to Jan. 1, 1832,	15 00
Samuel Humphreyville, to Jan. 1, 1832,	20 83
Franklin Root, to July 31, 1831,	37 50
A Nicholson, to May 31, 1831,	10 40
John Kellogg, to Sept. 1, 1831,	10 00

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\$1,499 73

*Hauling Artillery.*

Wm. H. Spooner,	1831,	18 50
Marshall Goodspeed,	"	6 25
James Hawes,	"	15 00
N. E. Hawes,	"	21 00
Abijah Pond,	"	12 00
Horace Bacon,	"	10 00
Ebenezer Tasker,	"	20 00
Thomas Goodwin,	"	30 00
Winslow W. Seaver,	"	30 00
John K. Skinner,	"	6 00
Thomas Flint,	"	9 75
Thomas I. Bowler,	"	10 00
Joshua P. Trask,	1830,	15 00
Joshua P. Trask,	1831,	12 00
Wm. Haskell,	"	17 50
Timothy Brown,	"	20 00
John Bradbury,	"	10 00
Joseph Flanders,	"	5 50
Abel B. Hayward,	"	15 00
Bela Greenwood,	"	18 00
Isaac Cutler,	"	10 00
Phineas G. Prescott,	"	7 50
Asa Spaulding,	"	15 82
Ruel Cooley,	"	12 50
Henry A. Bridgeman,	"	2 50
Horace Noble, jr.	"	6 25
Edwin Norcross,	"	11 51
Noah Edwards,	"	17 75
W. B. Bardwell,	"	9 00
John Mack, jr.	"	16 00
Wm. Pomeroy, jr.	"	15 45

Wm. Morse,	1831,	9 00
Wm. Nash,	"	10 00
Eleazer S. Bartlett,	"	10 00
Peter Corbett,	"	16 00
Peter D. Clemons,	"	10 50
Leonard M. Stowell,	"	6 00
Gilman Robbins,	"	10 00
Nathaniel Johnson,	"	6 75
Nathan Hammond,	"	6 25
Gilbert Munson,	"	5 25
Abraham Toby,	"	4 40
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		\$519 93

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### AGGREGATE OF ROLL, NO. 106.

Pauper Accounts, \$33,014 47

#### *Military Accounts.*

Aids de camp,	117 30
Brigade Majors,	595 53
Adjutants,	1,499 73
Hauling Artillery,	519 93
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Total of Roll No. 106,	\$35,746 96

## Commonwealth of Massachusetts.

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### RESOLVE

*Authorizing the payment of certain Military and Pauper Accounts.*

*Resolved*, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the foregoing roll, the sums set against their names respectively, amounting, in the whole, to the sum of thirty five thousand, seven hundred and forty six dollars and ninety six cents, the same being in full discharge of the accounts and demands to which they refer.

In Senate, March 2, 1832,

Read twice and passed,

Sent down for concurrence,

WILLIAM THORNDIKE, *President*.

House of Representatives, March 5, 1832.

Read twice and passed in concurrence,

W. B. CALHOUN, *Speaker*.

March 5, 1832.

Approved,

LEVI LINCOLN.

## ROLL OF ACCOUNTS.

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The COMMITTEE OF ACCOUNTS, to whom was referred an order of both Houses of February 6th, instructing them to examine all accounts for support of State Paupers, which should be presented previous to the 20th inst, and to report upon the expediency of allowing the same, have attended to that duty and report,

That they have received and examined the following list of accounts, which they are of opinion ought to be allowed.

ELIHU HOYT, *Chairman.*

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### PAUPER ACCOUNTS,

ALL OF WHICH ARE TO JANUARY 1ST, 1832.

Ashburnham, for support of William Stinigen, wife, and child,	88 04
Burlington, for support of John A. Pashoe, and Venus Rowe, adults,	74 42
Brookline, for support of Ann Potter, a child,	12 84
Brighton, for support of John J. Baker, an adult,	44 80
Carver, for support of Martin Grady, an adult,	40 81
Essex, for support of John Coleman, an adult,	40 80
Gloucester, for support of 15 adults and two children, and funeral expenses of one adult,	242 71
Hanson, for support of Betty Joel, an adult,	40 81
Lanesborough, for support of Eunice Foot, Lucy W. Goman, Mary Squires, Amos and Mary Dodge, Amelia Bennett, and Mary Van- sukle, adults, and Loving, John and Lucinda	

Dodge, Amanda Lane, and John Harris, and Almira Stanbrough,	244 88
Montague, for support of Ann Sinclear, an adult,	40 30
Northbridge, for support of James Norberry, an adult,	33 40
New Braintree, for support of Mary Rogers, an adult,	18 11
Needham, for support of John Pitcher, Sarah Pistill, John Wilkins, Ann Pease, and Rebecca Jonah, adults, and John Riley, a child,	73 08
Quincy, for support of John and Sarah Durant, Rebecca Majester, and James Brown, adults,	13 10
Southbridge, for support of Albro Reynolds, an adult,	28 60
Sandwich, for support of Bethiah Fly, and Phil- lis Wing, adults,	81 62
Troy, for support of William Jeffers, and Re- becca Westgate, adults, and Mary Ann Deslin, and Mary Ann Carter, children,	58 59
Weymouth, for support of Phillis Peach, an adult,	87 60
Wenham for support of Sarah English, and Pomp Porter, adults,	80 55
Westport, for support of Nathaniel Nottage, an adult,	65 47
Watertown, for support of 14 adults, and 2 children,	81 31
Walpole, for support of John and Bridget Mont- gomery, adults, and Charles Mash, a child,	36 23

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1,528 07

## Commonwealth of Massachusetts.

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In the year of our Lord One Thousand Eight Hundred  
and Thirty Two.

*Resolved*, That there be allowed and paid, out of the Public Treasury, to the several corporations mentioned in the preceding list, the sums set against their names respectively, amounting, in the whole, to one thousand five hundred and twenty eight dollars and seven cents; —the same being in full discharge of all the accounts and demands to which they refer: and His Excellency the Governor is requested to draw his warrant accordingly.

In Senate, March 3, 1832.

Read twice and passed,

Sent down for concurrence,

WILLIAM THORNDIKE, *President*.

House of Representatives, March, 5, 1832.

Read twice and passed in concurrence,

W. B. CALHOUN, *Speaker*.

March 6, 1832.

Approved,

LEVI LINCOLN.



## ROLL OF ACCOUNTS.

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The COMMITTEE ON ACCOUNTS, to whom was referred the Order of both Houses, directing them to consider the expediency of allowing such accounts for the support of State Paupers as might be presented on or before the 5th of March, have attended to that duty, and beg leave to report, that the following list of accounts have been examined and found correct, and that it is their opinion the same ought to be allowed.

Which is submitted,

E. HOYT, *Chairman.*

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## PAUPER ACCOUNTS.

ALL OF WHICH ARE BROUGHT UP TO JANUARY FIRST 1832.

Heath, for support of Clarissa Williams, an adult,	6 30
Lancaster, for support of William Sharon, an adult,	11 70
Littleton, for support of Arthur and Susan Shute, children,	6 90
North-Brookfield, for support of Esther Johnson, an adult,	40 42
Phillipston, for support of Abraham Scholl, an adult,	22 30
Stoneham, for support of Chloe and Nancy Freeman, adults,	175 10
Washington, for support of Henry Panton, John Thompson, and Ruth Rugby, adults,	49 10

Weaver, Sheffel, Guardian of Troy Indians, for supplies to Thankful Simonds, Hope Page, and Son, and Thankful Chase, and funeral expenses of Hope Page, and Son, and Thank- ful Chase,	52 96
Davis, Henry, Guardian of Dudley Indians, for supplies furnished Bridget Jaha, Freeloove Jaha, Luke Jaha, Esther Jaha, Israel Sprague, Philana Ephraims, Betsey Piggin, and Matilda Hull,	102 81

## Commonwealth of Massachusetts.

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In the year of our Lord One Thousand Eight Hundred  
and Thirty Two.

*Resolve for the payment of sundry Pauper and Indian  
Accounts.*

*Resolved*, That there be allowed and paid, out of the Public Treasury, to the several persons and corporations mentioned in the foregoing list of accounts, the sums set against their names respectively, amounting, in the whole, to four hundred and sixty seven dollars and fifty nine cents, the same being in full discharge of all the accounts and demands to which they refer, and His Excellency the Governor is hereby requested to draw his warrant accordingly.

In Senate, March 7, 1832.

Read twice and passed,

Sent down for concurrence,

WILLIAM THORNDIKE, *President*.

House of Representatives, March 8, 1832.

Read twice and passed in concurrence,

W. B. CALHOUN, *Speaker*.

March 9, 1832.

Approved,

LEVI LINCOLN.

## Commonwealth of Massachusetts.

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TREASURY OFFICE, 3d mo. (MARCH) 17, 1832.

The Treasurer having, in compliance with an Order of the Legislature passed the 10th of the present month, examined and adjusted the accounts presented to him, reports: That there is due to the several persons enumerated on the following Roll, the sums set against their names respectively, which when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

Respectfully submitted,

HEZEKIAH BARNARD, *Treasurer.*

*To the Senate, and  
House of Representatives.*

## ROLL OF ACCOUNTS

*Audited by the Treasurer of the Commonwealth, and reported March 17th, 1832.*

### PRINTERS.

Adams and Hudson, for advertising, and for newspapers supplied to March 17th, 1832,	\$90 31
Allen, E. W. and Co., for publishing Laws, Constitutional Amendments, &c., to August, 1831,	35 67
Badger and Porter, for newspapers supplied to March 16, 1832,	90 03
Bates, Stephen, for advertising, and for newspapers supplied to March 17th, 1832,	53 36
Bazin, George W., for publishing amendments, and for newspapers supplied to March 17, 1832,	46 37
Beals and Homer, for advertising, and for newspapers supplied to March 17th, 1832,	87 19
Buckingham, Joseph T., for newspapers supplied to March 17, 1832.,	96 89
Clapp, William W., for newspapers supplied to March 17th, 1832,	48 46
Dutton and Wentworth, for printing	
for the Senate,	340 36
Do. " " House,	247 32
Do. " " Secretary,	33 06
Do. " " Treasurer,	1 60
Newspapers supplied	
to March 17, 1832,	7 29
	629 63

Garrison and Knapp, for newspapers supplied to March 17, 1832,	47 77
Greene, Samuel D., for newspapers supplied to March 14, 1832,	15 92
Hale, Nathan, for advertising, and for newspapers supplied to March 17, 1832,	119 81
Harrington, Jubal, for publishing laws, constitutional amendments, &c, to Feb. 1832,	43 17
Mann, Herman, Jr., for publishing laws, constitutional amendments, &c., to July 1st, 1831,	25 91
Moore and Sevey, for newspapers supplied to March 13, 1832,	2 76
Nichols, William, for newspapers supplied to March 17, 1832,	11 31
Prescott, Edward G., for newspapers supplied to March 17, 1832,	28 39
Proprietors of Boston Investigator, for newspapers supplied to March 17, 1832,	6 00
Rand, Asa, for publishing constitutional amendments to July, 1831,	4 50
Reed, David, for newspapers supplied to March 17, 1832,	21 46
Russell, J. B., for newspapers supplied to March 14, 1832,	32 54
Simpkins, N. S., for publishing constitutional amendments &c. to July, 1831,	19 33
True and Greene, for newspapers supplied to March 17, 1832,	59 08
Willis, Nathaniel, for newspapers supplied to March 17, 1832,	19 61

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\$1,635 47

## MISCELLANIES.

Bacon, Henry, assistant messenger, to March 17, 1832,	128 00
Ballard and Prince, for bocking, &c., to January 19th, 1832.,	32 40
Burditt, James W., for stationary to March 12, 1832, viz.	
For the Legislature,	73 60
“ “ Secretary,	58 12
	<hr/>
	131 72
Chase, Warren, assistant messenger, to March 17, 1832,	138 00
Cutting, Elijah W., assistant messenger, to March 17, 1832,	128 00
His son, as page to the Senate,	64 00
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	192 00
Goodrich, Isaac W., for stationary for the Secretary, to March 8th, 1832,	12 00
Kuhn, Jacob, for the balance of his account to March 13th, 1832,	206 92
Murphy, David, assistant messenger, to March 17, 1832,	132 00
Pitts, Sarah, for her son, as page to the House of Representatives, to March 17, 1832,	64 00
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	\$1,037 04

## SHERIFF.

Sprague, Joseph E., for distributing writs of election for members of Congress to February 22d, 1832,	8 50
	<hr/>
	\$8 50

## RESOLVE.

## CORONER.

Snow, Prince, for taking inquisitions to February 29th, 1832,	20 29
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	\$20 29

## AGGREGATE.

Printers,	1,635 47
Miscellanies,	1,037 04
Sheriff,	8 50
Coroner,	20 29
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	\$2,701 30

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**Commonwealth of Massachusetts.**


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In the year of our Lord One thousand Eight Hundred and Thirty Two.

*Resolved*, That there be allowed and paid, out of the Treasury of this Commonwealth, to the several persons named in the accompanying Roll, the sums set against their names respectively, amounting, in the whole, to the sum of two thousand seven hundred and one dollars, and thirty cents, the same being in full discharge of all the accounts and demands to which they refer—and His Excellency the Governor is hereby requested to draw his warrant accordingly.

In Senate, March 20th, 1832.

Read twice and passed,

Sent down for concurrence,

WILLIAM THORNDIKE, *President*.

House of Representatives, March 23, 1832.

Read twice and passed,

W. B. CALHOUN, *Speaker*.

March 24, 1832.—Approved, LEVI LINCOLN.



## ROLL OF ACCOUNTS.

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The COMMITTEE ON ACCOUNTS, in pursuance of sundry orders, report, that they have examined the several accounts in the annexed Roll, and hereby submit the accompanying Resolve for the payment of the same.

ELIHU HOYT, *Chairman.*

---

### PAUPERS.

Attleborough, for support of Ann Brumly, omitted in first account,	19 42
Ward, for support of Sally Wiser,	71 15
	<hr/>
	\$90 57

### MILITARY ACCOUNTS.

#### *Adjutants.*

Hervey Kimball, Jan. 1, 1830 to Sept 1, 1831,	16 67
David Giddings, Sept. 1, 1831, to Dec. 31, 1831,	8 33
William Tidd, Jan. 1, 1831, to Jan. 1, 1832,	25 00
Joseph Merriam, Jr., Jan. 1, 1831, to Jan. 1, 1832,	25 00
Guy C. Haynes, Jan. 1, 1831, to Sept. 8, 1831,	17 23
Benj. C. Hill, Sept. 8, 1831, to Dec. 31, 1831,	7 77
Asa Wood, Jan. 1, 1831, to Jan. 1, 1832,	25 00
	<hr/>
	\$125 00

*Hauling Artillery.*

Charles Wardwell, 1831,	12 50
L. Wilmarth, 1831,	13 25
Amos R. Torrey, 1831,	5 80
	<hr/>
	\$31 55

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 AGGREGATE OF THIS ROLL.

Pauper Accounts,	90 57
Adjutants,	125 00
Hauling Artillery,	31 55
	<hr/>
	\$247 12

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**Commonwealth of Massachusetts.**

In the year of Our Lord One Thousand Eight Hundred  
and Thirty Two.

*Resolve for payment of certain Pauper and Military  
Accounts.*

*Resolved,* That there be allowed and paid, out of the Public Treasury, to the several persons and corporations mentioned in this Roll, the sums set against their names respectively, amounting, in the whole, to the sum of two hundred and forty seven dollars and twelve cents,

the same being in full discharge of all the accounts and demands to which they refer, and His Excellency the Governor is hereby requested to draw his warrant accordingly.

In Senate, March 21, 1832,

Read twice and passed,

Sent down for concurrence,

WILLIAM THORNDIKE, *President*.

House of Representatives, March 23, 1832.

Read twice and passed in concurrence,

W. B. CALHOUN, *Speaker*.

March 24, 1832.

Approved,

LEVI LINCOLN.

## OPINION

*Of Justices of the Supreme Judicial Court, respecting the right to vote of certain persons exempted from taxation.*

---

### **Commonwealth of Massachusetts.**

IN SENATE, FEB. 8, 1832.

ORDERED, That the Justices of the Supreme Judicial Court, be requested, as soon as may be convenient, to give their opinion on the following QUESTION :

Whether those persons who are exempted from taxation by Town Assessors, under the authority given them in the following clause in the usual Tax Acts of the Commonwealth.—“ And if there be any persons who by reason of age, infirmity, or poverty, may be unable to contribute towards the public charges, in the judgment of the said Assessors respectively, they may exempt the polls and estates of such persons, or abate any part of what they are assessed, as the said assessors may deem just and equitable,”—and who have the requisite qualifications, as to age and residence, are entitled to vote for Governor, Lieutenant Governor, Senators and Representatives, under the third article of the Amendments to the Constitution.

IN SENATE, FEB. 9, 1832.

Read twice and passed,

WILLIAM THORNDIKE, *President.*

BOSTON FEBRUARY 13, 1832.

HON. WILLIAM THORNDIKE,

*President of the Senate.*

Sir : In behalf of the Justices of the Supreme Judicial Court, I have the honor to enclose you the opinion of a majority of the Court, upon the question proposed by the Hon. Senate. Hon. Judge Morton not being in town, it has not been in our power to consult him, without a delay which we feared might be inconvenient.

I am, sir, very respectfully,

Your obedient servant,

LEMUEL SHAW,

*Ch. J. S. J. C.*

The undersigned, Justices of the Supreme Judicial Court, pursuant to the request of the Hon. Senate, expressed in the Order, hereto annexed, have had the question therein proposed under consideration, and thereupon respectfully submit the following

### **OPINION.**

The third article of the Amendments to the Constitution of the Commonwealth, upon which the question arises, is as follows : viz. " Every male citizen of twenty one years of age, and upwards, (excepting paupers, and persons under guardianship) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months, next preceding any election of governor, lieutenant governor, senators, or representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be, in all other respects, qualified as aforementioned, shall have a right to vote, in such election of governor, lieutenant governor, senators and representatives ; and no other person shall be entitled to vote in such elections."

This question appears to us to involve three distinct points, or subjects of inquiry arising from as many distinct clauses or provisions of the constitutional article cited.

1. Whether the persons described, who may be exempted from taxation, or whose taxes may be abated

under the discretionary authority given to the assessors by the tax act, are "*paupers*" within the meaning of the exception.

2. Whether they are *by law exempted from taxation*, so as to give them the political privilege of voting without being assessed to any tax.

3 Whether, not being paupers, and being liable to be taxed, or in fact assessed, though such tax be omitted, or abated under the discretionary authority of the assessors, they are to stand upon the same footing in regard to the privilege of voting, as if they had been regularly assessed, and had actually paid a tax.

1. In a certain loose and indefinite sense, the persons in question may be called paupers. The case supposes them to be poor, and in consequence thereof, to be unable to contribute towards the public charges. But we are of opinion, that this is not the sense in which the word is intended in the constitution. Long before the adoption of the article in question, the word "*paupers*" had acquired a precise and technical meaning, and was understood to designate persons receiving aid and assistance from the public, under the provisions made by law for the support and maintenance of the poor. Such provisions had been made, both in England and in this country, long before the adoption of this article, or of the original constitution. Besides, if it were intended to be understood in a more general sense, and as extending to all *poor persons*, it might go to exclude those from voting, whose poverty might be manifested in other modes than the one set forth in the extract from the tax act. Considering how important it has always been regarded in the framing of fundamental laws, upon which the essential civil and political rights and privileges of the subject mainly depend, that words should be used

in a sense as exact and definite as the nature of language will permit, and how careful the framers of our constitution have been in the observance of this rule ; and considering upon how indefinite and uncertain a basis the important right of voting would have stood, had the word paupers been used in any other than the exact and technical sense which we have ascribed to it, our opinion is confirmed, that it was intended to be confined to persons claiming assistance for themselves or families, from the provision made by law for the poor.

2. The next inquiry is, whether the persons described can be considered as persons *exempted by law from taxation*, within the meaning of the constitutional provision in question.

Here, as in the other case, in a certain loose sense, they may be said to be exempted by law, because the authority is given by law to the assessors, and when executed, it is by force of the law that the exemption takes effect. But we are of opinion, that this is not the true construction of the clause but that it means to designate those persons who, by the terms of the act itself, are exempted, and where nothing more is necessary to give effect to the exemption, than for the person, entitled to the benefit of it, to show that he comes within its terms.

Whether we regard the terms of the law imposing the tax, or the probable and obvious intent and design of the Constitution, we think there will be discovered a broad and well defined distinction, between those exempted from taxation, by law, and those exempted, by reason of poverty and inability, under the discretionary authority given to assessors.

It had long been the practice in this Commonwealth, in the assessment of taxes, to exempt certain persons, in terms, whose pursuits and employments were devoted to



the public service, and who, in effect, must be supported at the public charge, such as settled ministers, officers and professors of colleges, preceptors and masters of public schools and academies. These persons were exempted, not on the ground of inability to contribute to the public charges, but because, as they labor wholly or chiefly, for the public, and are entitled to a support from the public, the exemption from taxation is only one means of contributing to their support; and, if they were held liable to pay any tax, their compensation for services ought justly to be enlarged in the same proportion, out of some other public fund. Such persons therefore do, in effect, contribute their share to the public charges; though they do it by their services, instead of a money rate.

In the tax acts, containing the clause, recited in the order of the Hon. Senate, the act first provides, for the absolute exemption of ministers of the gospel, the president and professors of colleges, and others specially enumerated, and then, in the same section, proceeds to vest a discretionary authority in the assessors, to exempt those, who, through age, infirmity or poverty, may be unable to contribute. Thus the act makes a strong and marked distinction between the two classes of persons. The same conclusion results from the constitutional article in question, which puts those who are exempted by law exactly upon the same footing with those who actually pay taxes, in regard to the privilege of voting. We think this provision manifestly had reference to the old and uniform practice of exempting these classes of public servants from taxation, upon the grounds above stated, that these were the persons designated by the description "citizens exempted by law from taxation," and that it can, by no reasonable construction, extend to those, who,

at the discretion of the assessors, may be exempted on account of poverty or inability.

3. The remaining inquiry is, whether persons, thus liable to be assessed, though in fact exempted, by the assessors, are entitled to the privileges of voters.

We are of opinion, that when such exemption has extended to two years, they are not. We think it was the plain intent of this clause of the amendment of the Constitution, to give practical force and effect to the maxim, that taxation and representation should go together ; and to secure the right of electing those, who are to administer the government, to those who in fact contribute to its support. It confines the power therefore, in terms, to those who shall have paid some tax assessed within a short period preceding the election, and for the sake of exactness fixes that period to two years. If therefore the persons in question have been exempted, for two entire years, either by being omitted in the assessment, or by the abatement of the tax, by the assessors, such persons are excluded, by the plain terms and manifest intent of the Constitution. But if such exemption has not extended to two years, and if the persons in question have paid any tax assessed within two years, although exempted the last year, such persons have a right to vote, coming within the terms of the Constitution, and not being excepted as paupers.

It may be objected to this construction, that, consistently with it, aged and poor persons may be arbitrarily excluded from the right of voting, by the assessors, by the omission or abatement of their taxes.

But we think the tax act will not justly admit of this construction. It must be considered, that the liability to taxation, and the political privilege of voting, consequent thereon, are established by different acts, at distant periods, and having distinct objects in view. Each

must be construed by itself. The purpose of the tax act is revenue; it is to lay a burthen and charge upon the persons and property of the people, to provide funds for public objects. The privilege of voting, consequent thereon, is incidental and collateral, established by a distinct constitutional provision, and is not to be regarded as one of the purposes and designed effects of the act. Such effect, therefore, cannot be much regarded in its construction. The direct object of the act being to raise a revenue, by laying a tax and burthen upon the people, an exemption from such burthen must be regarded as a benefit conferred on those entitled to it. It is a general rule of law, that what is intended for one's benefit he may claim or waive, at his election, and this rule applies with increased force, when other and incidental consequences, important to himself, depend upon such election. So when a grant or bequest is made to one, being apparently for his benefit, he may accept or waive it; this right is of the higher importance, where such grant or bequest is made upon some trust attended with responsibility, or upon other onerous conditions. So we think the exemption in question was intended as a benefit to those who, by reason of age, infirmity, or poverty, are unable to contribute, and one which, if they so elect, they may waive, and in such case, it would not be in the power of the assessors to omit them in the assessment, or abate their taxes, against their consent, with a view either to affect their elective franchise, or for any other purpose. The language of the act is, that the assessors *may* exempt; which implies we think, that it is to be done, with their consent, express or implied. It is true, that the word "*may*," is sometimes construed as imperative, and equivalent to "*shall*;" but it is only where the context

and general purpose of the act, or instrument, manifestly require it. Here we think the context and general objects of the act require a different construction, and imply, that the word "may" was used in its ordinary sense, as permissive, granting power to the assessors to allow the exemption, at the election of those entitled to the benefit of it.

On the whole, our opinion is, that the persons in question are not excluded from the right of voting as *paupers*; that they are not entitled to vote, without paying taxes, as *citizens exempted by law from taxation*; and that, if they have actually paid no tax, assessed within two years next preceding such election, though such non-payment was occasioned by an exemption or abatement, under the discretionary authority of the assessors, such persons are not entitled to vote; but if they have in fact paid any tax assessed within two years previous, that they are entitled to vote in any election for Governor, Lieutenant Governor, Senators, and Representatives.

LEMUEL SHAW,  
SAMUEL PUTNAM,  
S. S. WILDE.

*February 14, 1832.*



## **Commonwealth of Massachusetts.**

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SECRETARY'S OFFICE, JUNE 11, 1832.

I hereby certify, that I have compared the Resolves, Messages, and other Documents, printed in this pamphlet, with the Originals remaining in the Secretary's Office, and find the same to be correct.

**EDWARD D. BANGS,**

*Secretary of the Commonwealth.*

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OF JANUARY, FEBRUARY, AND MARCH, 1832.

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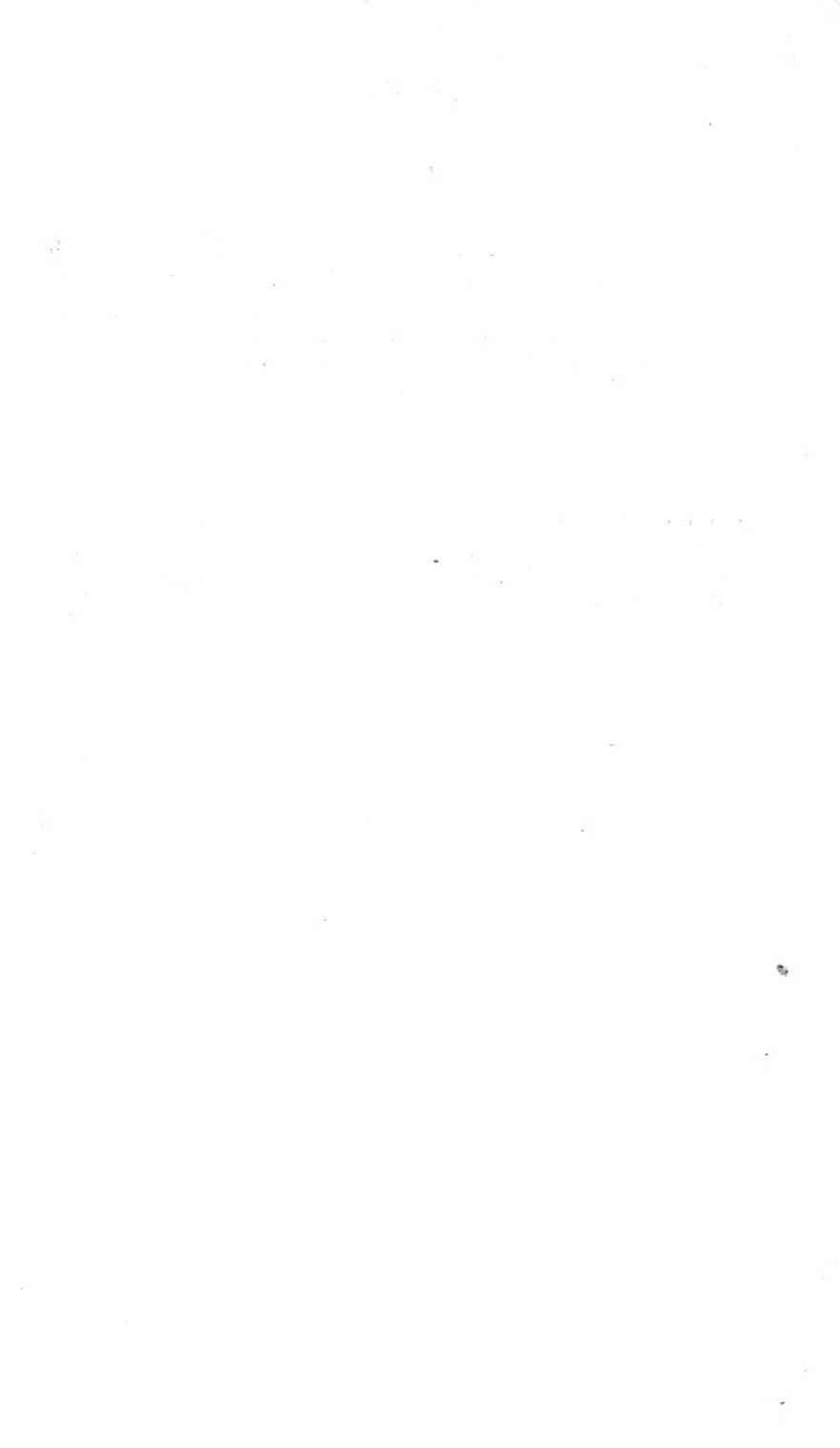
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# RESOLVES

OF

## THE GENERAL COURT

OF THE

### Commonwealth of Massachusetts,

PASSED AT THEIR SESSION,

WHICH COMMENCED ON WEDNESDAY, THE SECOND OF JANUARY, AND ENDED ON  
THURSDAY, THE TWENTY-EIGHTH OF MARCH, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-THREE.

Published agreeably to a Resolve of the sixteenth January, 1812.



**Boston:**

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

1833.



**CIVIL GOVERNMENT**  
OF THE  
**Commonwealth of Massachusetts,**  
FOR THE POLITICAL YEAR 1833.

---

HIS EXCELLENCY  
**LEVI LINCOLN, ESQUIRE,**  
**GOVERNOR.**

---

HIS HONOR  
**SAMUEL T. ARMSTRONG, ESQ.**  
**LIEUTENANT GOVERNOR.**

---

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“ **LUKE FISKE,**  
“ **JOSEPH BOWMAN,**  
“ **HOWARD LOTHROP,**  
“ **ELIJAH SWIFT,**  
“ **WILLIAM FERSON,**  
“ **DAVID MACK, JR.**  
“ **JOHN R. ADAN.**

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*Treasurer and Receiver General of the Commonwealth.*

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## BERKSHIRE DISTRICT.

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CHARLES C. CUTTING, *Page.*

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Eliphalet P. Hartshorn,  
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Winslow Lewis,  
Joseph Lewis,  
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Daniel Messinger,  
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Jeffrey Richardson,  
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Simon W. Robinson,  
James Savage,  
Benjamin Stevens,  
Robert G. Shaw,  
Daniel Safford,  
Lynde M. Walter,  
John B. Wells,  
John Wheelwright,

244      HOUSE OF REPRESENTATIVES.

<i>Boston.</i>	Stephen White, Redford Webster, Nathaniel L. Williams, Thomas Wetmore, Simon Wilkinson,
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<i>Boxford,</i>	Charles Peabody,
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<i>Gloucester,</i>	Gorham Babson, Aaron Day, Josiah Griffin, Theophilus Herrick, Gideon Lane, Jr.



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<i>Haverhill,</i>	
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<i>Newburyport,</i>	

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<i>Salisbury,</i>	
<i>Saugus,</i> <i>Topsfield,</i> <i>Wenham,</i> <i>West Newbury,</i>	Moses Foster, Eliphalet Emery, Moses Newell.

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--	---

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<i>Chelmsford,</i>	Charles Bent,
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<i>Framingham,</i>	Luther Belknap,
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<i>Holliston,</i>	
<i>Hopkinton,</i>	
<i>Lexington,</i>	Ambrose Morrill, John Mulliken, Jr. Solomon Foster,
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<i>Littleton,</i>	Simon Adams,
<i>Lowell,</i>	

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<i>South Reading,</i>	Lilly Eaton, Lemuel Sweetser,
<i>Stoneham,</i>	
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<i>Sudbury,</i>	William Brigham,
<i>Tewksbury,</i>	Jonathan Clark, 2d, Isaac Holden, .
<i>Townsend,</i>	Paul Gerrish,

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*Tyngsborough,*  
*Waltham,*  
*Watertown,*  
  
*West Cambridge,*  
*Westford,*  
*Weston,*  
*Wilmington,*  
*Woburn,*

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Simon Thompson,  
  
Charles Bemis,  
William Stone,  
Leonard Greene,  
Abram Prescott,  
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Benjamin Foster,  
Samuel Abbott,  
Marshall Fowle,  
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*Barre,*

*Berlin,*  
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*Boylston,*  
*Brookfield,*

*Charlton,*

*Dana,*  
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Hosea Stone,  
Nathan Nickerson,  
Nathaniel Houghton,  
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<i>Harvard,</i>	
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<i>Lancaster,</i>	John G. Thurston,
	Ferdinand Andrews,
<i>Leicester,</i>	Waldo Flint,
	Joshua Murdock,
<i>Leominster,</i>	Leonard Burrage,
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	Isaac Davenport,
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<i>North Brookfield,</i>	John Bigelow,
<i>Oakham,</i>	James Allen,
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<i>Rutland,</i>	Joseph King,
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<i>Southboro',</i>	Dexter Fay,
<i>Southbridge,</i>	Sylvanus Chamberlin,
	George Sumner,
<i>Spencer,</i>	David Prouty,
<i>Sterling,</i>	Jacob Conant,
	Thomas Wright,
<i>Sturbridge,</i>	Zenas L. Leonard,
	David Wight,
<i>Sutton,</i>	Edward J. Mills,
	Joshua Armsby,
<i>Templeton,</i>	Artemas Lee,
	Samuel Dedman,
<i>Upton,</i>	Ezra Wood,
<i>Uxbridge,</i>	Samuel Read,
	Joseph Thayer,
<i>Ward,</i>	Daniel Green,
<i>Westborough,</i>	Joshua Mellen,
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<i>West Boylston,</i>	Robert B. Thomas,
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<i>Westminster,</i>	Merari Spalding,
	Cyrus Windship,
<i>Webster,</i>	John Slater,
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	Windsor Hatch,
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George Nutting,

Justus Forward,

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Dyar Bancroft,

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John Ludden,

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Samuel Ayres,

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John A. Judd,

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<i>Ludlow,</i>	Elijah Seymour,
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<i>Montgomery,</i>	Seth Taylor,
<i>Palmer,</i>	Theodore Sikes,
<i>Russell,</i>	Carleton Squire,
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<i>Springfield,</i>	Oren Parks,
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	Chauncey W. Morse,
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	George Ashmun,
	George Bliss,
	Thomas Bond,
	William B. Calhoun,
	Jonas Coolidge,
	Joseph Pease,
	Charles Packard,
<i>Tolland,</i>	Roger Harrison,
<i>Wales and Holland,</i>	Alfred Needham,
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	Lewis Fowler,
	Matthew Ives, Jr.
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	Henry Phelon,
	Asa B. Whitman,

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*Bernardston,*

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*Buckland,*

Amos Shepard,

*Colraine,*

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*Conway,*

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<i>Windsor,</i>	Daniel O. Holbrook.

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<i>Canton,</i>	James Endicott,
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<i>Milton,</i>	John Ruggles,
	Josiah Bent,
<i>Medway,</i>	Paul Daniels,
<i>Needham,</i>	Rufus Mills,
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*Dartmouth,*

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Nehemiah Walker,  
Oliver Ames,  
Gideon Nye,  
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*Mansfield,*  
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Edmund Gardner,  
Benjamin Lincoln,

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Cromwell Leonard,  
Remember Kent,

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*Raynham,*  
*Rehoboth,*  
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*Somerset,*  
*Swansey,*

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Church Gray,  
Edward Slade,  
Benanuel Marvel,  
John Earle,  
George Walker, Jr.  
Simeon Borden,  
Isaac Borden,  
Earl Chase,  
Azariah Shove,  
Smith Winslow,  
Jonathan Davis,  
Abner B. Gifford,  
James Handy.

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*Troy,*

*Westport,*

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James Bates,  
John Cushing,  
Micah Pool,

*Bridgewater,*

Holmes Sprague,  
Samuel Leonard, Jr.

*Carver,*  
*Duxbury,*

Benjamin Ransom,  
Seth Sprague, Jr.  
Gershom Bradford,

*East Bridgewater,*

Azor Harris,  
Joseph Chamberlin,

*Halifax,*  
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Zadoc Thompson,  
William Morse,

*Hanson,*  
*Hingham,*

Samuel House, Jr.  
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Thomas Loring,  
Henry Stowell,  
James W. Sivrett,

*Hull,*  
*Kingston,*  
*Marshfield,*

Spencer Bradford,  
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John Ford, Jr.

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Luther Murdock,  
John Perkins,  
Ethan Pierce,  
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*Pembroke,*  
*Plymouth,*

Thomas Adams,  
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Stephen Lucas,  
Joseph Lucas,  
Josiah T. Ellis,  
Philip Crandon,  
Amittai B. Hammond,  
Charles J. Holmes,  
Theophilus King,

*Plympton,*  
*Rochester,*

Peleg Jenkins,  
Perez F. Briggs,  
Melville Otis,

*Scituate,*  
*Wareham,*

Ellis Ames.

*West Bridgewater,*

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<i>Brewster,</i>	Benjamin Berry,
<i>Chatham,</i>	Joshua Nickerson, Joseph Young,
<i>Dennis,</i>	Thacher Clark, Joshua Wixon, Jr.
<i>Eastham,</i>	Michael Collins,
<i>Falmouth,</i>	Thomas Fish,
<i>Harwich,</i>	Isaiah Chase, James Long,
<i>Orleans,</i>	Elisha Cole, Thacher Snow,
<i>Provincetown,</i>	Isaac Small, Elisha Young,
<i>Sandwich,</i>	Shadrach Freeman,
<i>Truro,</i>	John Kenney, Joshua Small,
<i>Wellfleet,</i>	Freeman Atwood, Ebenezer Freeman, 2d.
<i>Yarmouth,</i>	John H. Dunbar, James Crowell.

## DUKES' COUNTY.

<i>Chilmark,</i>	Harrison P. Mayhew,
<i>Edgartown,</i>	Leavitt Thaxter,
<i>Tisbury,</i>	David Look.



## COUNTY OF NANTUCKET.

*Nantucket,*

David Baxter,  
Jonathan C. Briggs,  
Jared Coffin,  
Isaac Folger,  
David Joy,  
George Myrick,  
Seth Pinkham.

---

LUTHER S. CUSHING, *Clerk.*

---

REV. HOWARD MALCOM, *Chaplain.*

JACOB KUHN, *Messenger to the General Court.*

ELIJAH W. CUTTING, *Assistant Messenger.*

FRANCIS PITTS, *Page.*



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**RESOLVES**

OF

**THE GENERAL COURT**

OF THE

**COMMONWEALTH OF MASSACHUSETTS.**

PASSED AT THEIR SESSION,

WHICH COMMENCED ON WEDNESDAY, THE SECOND OF JANUARY, AND ENDED  
ON THURSDAY, THE TWENTY-EIGHTH OF MARCH, ONE THOUSAND  
EIGHT HUNDRED AND THIRTY-THREE.

—

**GOVERNOR'S ADDRESS.**

—

REPRESENTATIVES' CHAMBER, JANUARY 8, 1833.

*At 12 o'clock, noon, agreeably to assignment, the two Houses assembled in Convention, when His Excellency the Governor came in, preceded by the Sheriff of Suffolk, and attended by His Honor the Lieutenant Governor, the Honorable Council, and the Secretary, Treasurer, and Adjutant General, and delivered the following*

**ADDRESS :**

*Gentlemen of the Senate, and  
of the House of Representatives :*

THE political stations, to which, by the suffrages of our Fellow Citizens, we have respectively been assigned,

for the coming year, and the duties of which, under the sanction of an appeal for our fidelity to the Searcher of Hearts, and with an invocation of the blessing of an overruling Providence upon our labors, we have now voluntarily assumed, devolve upon us high and solemn responsibilities. At this season of friendly salutation and personal good wishes, it is additional cause for mutual congratulation, and for devout and grateful acknowledgement to Heaven, that we enter upon the Trusts which have been committed to us, under circumstances favorable to their satisfactory discharge, in the fulfilment of the legitimate objects for which they were created. Witnessing, every where, in our beloved Country, the means of promoting private happiness, and the wide spread diffusion of the fruits of an unexampled national prosperity, the public Functionaries have but to regard the true sources of these enjoyments, and by a sacred observance of the principles of patriotism, of social order, and of moral virtue, to which they are referable, heeding the admonitions of experience, and adopting the counsels of wisdom, strive to secure their continued possession to the improvement of their constituents, and their transmission, as a rightful inheritance, for successive generations of their Posterity.

In a review of the events of the past year, we cannot fail specially to recognize the signal manifestation of divine mercy, which has spared from the waste of a destructive Pestilence, the lives of the People of this Commonwealth. While almost every other portion of the habitable Globe has been scourged and agonized by its ravages, and many of the Cities and Villages of our own Country now mourn its terrible desolations, it has passed lightly over us, leaving scarce an impress of its fearful visitation. It may be, that, in the administrations

of an inscrutable Providence, we are yet to feel, still more nearly, the admonitions which this Destroyer seems commissioned to convey. Let it not be in vain, that, even from a distance, it has taught lessons of precaution in the wholesome ordinances of well regulated Communities, or given better assurance of individual security in sober and virtuous lives. If, in the unregulated pursuits of business, or the authorized indulgencies of society, there are to be found inducing causes to a disease, which, when once introduced, seizes for its prey, upon the useful and the good, alike with the vicious and the worthless, does it not demand the serious consideration of the Lawgiver and the Magistrate, how soon, and by what means, these Causes may be controlled? An inordinate appetite for the use of spirituous liquors, *too often gratified by their free and unlicensed sale*, has given occasion for immediate and greatest apprehension. If experience has shown, that, by moral influences alone, the former cannot be corrected, it becomes the more imperative, that, by wise enactments, and their rigid enforcement, the latter should be effectually restrained.

I have the satisfaction of advising you, that the domestic relations and interests of the Commonwealth continue to present the most gratifying aspect. There has been, during the past year, little for Executive attention, but the discharge of definitely prescribed duties, and that vigilant and faithful observance of the injunctions of the Constitution, and the provisions of Law, in the administration of the Government, which the fulfilment of the obligations of Office, in this Department, unceasingly requires.

In compliance with a Resolve of the last Legislature, upon the subject of certain Resolutions of the General Assembly of the State of Rhode Island, asserting a

right to disturb the existing line of division between the two Governments, and to obtain possession and jurisdiction of a valuable portion of territory on our Southern border, an eminent Counsellor, one of the Senators of the State in Congress, was immediately consulted, and his professional services engaged, on the behalf of this Commonwealth. In a correspondence with him, I have been informed, that, at the last term of the Supreme Court of the United States, a Bill in Equity was filed in the name of the State of Rhode Island against Massachusetts, and the usual process moved for. As a question was then pending in a case between other parties, upon the power of the Court to sustain actions between States, without some Statute provision to regulate and aid the proceedings, no summons was issued. The granting of it, is now understood, to wait the decision, in the case referred to. Whatever may be the result of the application to the Court by the State of Rhode Island, an undoubting confidence may be entertained in the safe defence of Massachusetts against this extraordinary Claim. By investigations and discoveries of evidence, even since the able and satisfactory Report of the Committee of the Legislature of the last year, there is now placed, within the control of the Executive, additional, abundant, and, as it would seem, altogether unanswerable proofs, of the original establishment, and subsequent deliberate recognition and formal confirmation, by *both parties*, of the boundary line, in precise accordance with the actual possession of the territory on either side, and the practical jurisdiction, which, to the present day, has been exercised over it, by the Governments of the States, respectively. Undesirable, and indeed vexatious, under the circumstances, as litigation may be, there is no occasion on our part, for seeking to

avoid it, through fear of the imputation of resisting the demands of justice, or from a reasonable apprehension of its unfavorable issue. Should the State be called into Court, it will not be without preparation to maintain, in sincerity and good faith, her position in the Controversy.

The disposition which was given by the General Government to the subject of the award of the King of the Netherlands, in relation to the North Eastern Boundary, involving so prejudicially the right of property in Massachusetts to the soil of the disputed Territory, superseded the occasion of any measures by the Executive of this Commonwealth, under the Authority of a Resolve of the 23d of March last. It may now be understood, from the advice of the Senate to the President, and the annunciation in his Message, at the opening of the present session of Congress, of a proposition having been made to the British Government to enter into a further negotiation upon the matter in dispute, that the opinion of the Arbiter is finally *rejected*, and the question restored to the true ground upon which it rested, prior to the submission. However unfortunate may be the occasion for a longer continuance of this controversy, yet confiding in the clear and distinct perception of the justice of the position, assumed, and uniformly and consistently maintained, by this Commonwealth, that the establishment of the line should be made to conform to the description of boundary given in the Treaty of 1783, by which, both the severance and sovereignty of the Nation were acknowledged, it may well be hoped, that the strenuous opposition and earnest remonstrances which were urged against the adoption of the compromise proposed by the Arbiter, will secure, in any future attempts at adjustment, a regard to the more precise and certain

application of the terms of the Treaty to corresponding indications upon the face of the Country. No other mode of determination can be satisfactory. The value of the soil, as an object of property, has come to be better understood, and the weight of this interest to the States, added to the political advantages which jurisdiction over the Territory affords to the Nation, must forever, prevent its voluntary surrender. The refusal to accept the Award has been followed by no manifestation of hostility or disappointment on the part of the British Government. No new attempt has been made, during the year, by the neighboring Province, to extend its authority, nor by British Subjects, further to encroach upon our possessions, in this quarter.

In the management and disposal of other portions of the public lands held by the Commonwealth, within the State of Maine, the measures of the Land Agent have been singularly judicious and successful. Pursuant to the terms of a Convention entered into between the Governments of Massachusetts and Maine, the situation and description of all the lands, which were to be put into the market, were carefully examined and ascertained, the Townships arranged into classes according to their quality and supposed value, and the *minimum* prices fixed for the regulation of the sales by the Agent of each State. Under the authority of several Resolves, the Agent of this Commonwealth has, in the course of the season, disposed of twelve Townships of the divided lands, lying in equal proportion on each side of the Monument line, for the aggregate amount of *one hundred and thirty-four thousand, nine hundred and forty-four dollars and thirty-seven cents*, and, in conjunction with the Agent of Maine, bargained for the conveyance of three Townships of the undivided lands, for a sum, of



which the Commonwealth's moiety is *thirty-eight thousand six hundred and ninety-nine dollars and ten cents*. Sales have also been made of sundry small tracts and detached parcels of land, remaining from former large divisions between the States, and Permits granted, on highly advantageous terms, for cutting timber, where the fee of the land is still retained in the Government. By all these proceedings of the Agent, within the year, not less than *one hundred and eighty thousand dollars*, will probably be realized to the Treasury, while, from the effect upon the remaining lands, of the increase of business and of settlement, induced by the opening of the Country for occupation and improvement, it may well be doubted, if the amount of the continuing interest of the State in this property is, in any degree, diminished. When it is recollected, that, soon after the Act of Separation, a proposition was seriously debated in the Legislature, to dispose of all the right of the Commonwealth in the Public Lands, for a sum, less, even, than a few Townships, comprising hardly one twentieth part of the extent of the Commonwealth's title, have been sold for, in a single year, the immense value of this territory, and its future importance to the State as a resource for revenue, or a means of constituting a fund for the promotion of interesting objects, and permanent improvements at home, will be more justly estimated.

With the sales which have been made, the authority of the Agent, under former Resolves, has been exhausted. I now recommend an extension of his powers to the disposal of other tracts, which are favorably situated, and may be in immediate demand for their timber, or for settlement.

In addition to the sales which have been made, Bounty Deeds, conveying, each, two hundred acres, have

been executed to seventy-three soldiers of the Army of the Revolution, or their legal representatives.

Such farther progress has been made in the construction of the Aroostook Road, that thirty-seven miles of the route are now completed. When it shall be carried through to the River, which the Agent anticipates may be by the close of another year, a region of great fertility, and abounding in the most valuable timber, hitherto excluded from approach, will be open to easy communication, and to the certainty of demand in the market, both for the lumber dealer and the settler.

In accordance with an arrangement authorized by a Resolve of the Legislature of the 23d of March last, the Trustees of the Charity of Edward Hopkins have satisfactorily executed and delivered, in the manner required, a full and complete release of all claims and demands in law and equity, upon the Commonwealth, and of all claims and demands against the tenants of lands in the towns of Hopkinton and Upton, of which the Trustees claimed to be lessors, or successors of lessors, and have been paid from the Treasury, in consideration thereof, the sum of eight thousand dollars. An occasion of controversy, which has long vexed a portion of our fellow citizens, and often been found troublesome and perplexing to the Government, is thus, at length, happily put at rest.

The Trigonometrical Survey ordered by the Government, for the purpose of obtaining an accurate map of the State, has been prosecuted, through the past season, and is still in progress, under the direction, and by the personal labors of the Civil Engineer to whom the service was originally given in charge. From the monthly reports which have been required of this Officer, there is continued reason to be satisfied with his industry, faith-

fulness, and skill, in the performance of this arduous and difficult task. The perfect exactitude which is to be had in the observations and mensurations necessary to the triangulation, renders the process exceedingly slow, and, it is to be feared, will occasion greater delay in the completion of the work than was at first anticipated. No map of like description has, as yet, been executed in any of the States; nor is it known, that any such survey has before been attempted in the country, except in the commencement of a design by the General Government, some years since, and now recently resumed, to procure, in like manner, a Chart of the sea coast of the United States. Since the undertaking here, the Legislature, for the time being, has been kept advised of its management and progress. All the reports of the Engineer, general and special, up to the close of the last session, have been communicated by the Executive, and remain on the public files; and to these, are now to be added the special reports for the past season, which will be transmitted. It has not been thought expedient to withdraw the Engineer from the country, while the weather remained open, for the purpose of preparing, for the present occasion, a more precise and connected account of his operations. This is a labor of time, and may be performed after the severity of the season shall have driven him from the field, and in sufficient opportunity to be presented to your notice during the session. It is confidently believed, that another year will complete the survey. But whatever may be the delay, this great work, when well accomplished, in connexion with the Map, and the Geological Survey and Reports embraced in the plan of the Government, will constitute an invaluable acquisition to the means of improvement, applicable alike to the uses of the State, and the business of the

citizens, and become a noble contribution to the promotion of the interests and cause of science.

The distinguished Professor to whom was assigned the service of making the Geological Survey, and who, the last year, presented the first part of his Report, which has been given to the public, has now brought his interesting labors nearly to a close, and promises the result of his researches and observations, in the remaining parts of the Report, accompanied by numerous specimens of rocks, ores, and minerals, which have been collected and scientifically arranged and described, for the use of the Government, before the termination of your session.

A Commission, authorized by a Resolve of the 24th of February last, to revise, collate, and arrange the Colonial and Provincial Statutes, and the General Statutes of the Commonwealth, has been constituted, with an anxious regard to the character and importance of the service to be performed, by the appointment of gentlemen eminent as Jurists and Counsellors at law, who were conveniently situated for necessary, frequent, and free intercourse and co-operation with each other, and who have consented to enter upon this arduous and responsible trust. The Commissioners being required by the further provisions of the Resolve "to suggest such contradictions, omissions, or imperfections as may appear in the laws to be revised, and the mode in which the same may be reconciled, supplied, or amended," have not had opportunity to make such progress in this extended work, as will enable them to report to the present General Court.

The provisions of a Statute of the last Legislature, for enlarging the jurisdiction of the Court of Common Pleas, and regulating the appointment and duties of

prosecuting officers, have been carried into full effect, since the recess. As the law proposed an essential change in the administration of the criminal jurisprudence, and was considered, to some extent, an experiment, it is gratifying to learn, that it has proved, in a high degree, beneficial and satisfactory. Under the management of able and efficient prosecuting officers, the business of the Commonwealth has been disposed of in the Common Pleas, with great expedition, and but little if any interruption to the despatch of the civil docket, beyond what had been usual under the previous limited cognizance of criminal matters by this Court, while the Supreme Court, overburdened and oppressed as it still is, has been relieved from a portion of duty, which greatly interfered with the more important functions of a tribunal of appellate and final jurisdiction. Much loss of valuable time to the citizens, in their necessary attendance in the capacity of jurors, upon the Supreme Court, especially at the law sittings, is now prevented, and, from this cause, and also the shorter periods of the confinement of arrested persons, by the opportunity offered for their trials in the more frequent terms of the lower Courts, a large aggregate of annual expense will, henceforth, be saved to the Treasury. Besides, as the administration of justice is prompt, the detection and punishment of offenders will be more certain, and crimes become less frequent.

In regarding the unquestioned advantages to the community, which have resulted from the operation of the recent law, I cannot but feel warranted in recommending to your consideration the expediency of modifying, still further, the distributive assignment of judicial duties, by enlarging the final jurisdiction of the Common Pleas, in civil cases, subject to the right of appeal on

exceptions in matters of law, and thus more equally apportioning the business between the respective Courts, by the convenient opportunity allowed to each, for its discharge. There appears no good reason why the issue of matters of fact, to be ascertained by a jury, composed of men of the same qualifications, and by a like mode of trial, should not be determined before the tribunal where they are made originally cognizable. When an appeal lies of right, it will too often be claimed with a view to the laws delay, or the supposed chance issue of litigation, rather than with reference to the character of the Bench, in the Court of ultimate resort. The Judges of the Supreme Court, it is well known, are now pressed to the most incessant and exhausting labors by the duties of their office, while a larger share of business, it is believed, might not unreasonably, nor unprofitably, be assigned to the Common Pleas. I respectfully submit to you, that the public interest requires the relief of the former, in the mode proposed, or in some more effectual and satisfactory manner.

The information can not fail to be received with great satisfaction by the Legislature, and the Public, that the noble charity of a provision, in the construction of the State Lunatic Hospital, for the better care and treatment of the most abjectly miserable class of our Fellow Beings, is on the point of being made in readiness for their relief. The Government of the Institution has been organized, by the appointment of all the Officers authorized by law, and the adoption of by-laws for the regulation of its concerns, and I have been officially advised, that the Building will be prepared for the reception of those, who are to become its inmates, after the tenth day of the present month. A difficulty, however, has presented itself, under the act providing for

the regulation of the Hospital, passed on the 24th of March last, in respect to the removal of the Lunatics, who are now confined in the Gaols and Houses of Correction. By the 3d Section of that Statute, it is, among other things, enacted, "that as soon as the Hospital shall be prepared for the reception of the Lunatics, and that fact shall be made public by the Proclamation of the Governor, all Lunatics, who, at the time of such Proclamation, shall be confined in any Gaol, or House of Correction, under any order, decree or sentence of any Court or any Judicial Officer, shall *as soon as may be practicable*, be removed to said Hospital, under the direction of the Mayor and Aldermen of the City of Boston; or of the County Commissioners of the several Counties of the Commonwealth, at the expense of said City and Counties respectively." It has been represented to me by the Trustees, and indeed, it must be obvious from the dreadful nature of the malady, with which the persons to be removed are afflicted, that the reception of such numbers at or near the same time, would overwhelm with confusion and embarrassment every department of the Institution. "It will be utterly impracticable (say the Trustees in their communication) for the Superintendent of the Institution to receive, in one day, or even in a single week, all those insane persons, whose removal is peremptorily enjoined by the above mentioned law. But few individuals can be received and properly taken care of, in a day, without occasional hazard to the safety, and certain prejudice to the comfort, of each. Some time, also, will be required, for the Superintendent to learn the peculiar tendencies and disposition of each of the inmates, as preparatory even to an imperfect classification of the whole." From these considerations, the trustees proposed, that directions should be

given for the removal of the Lunatics, gradually, at different periods, and with sufficient intervals of time between the removal of those from different counties, to give opportunity for the convenient disposition of them, as they should arrive. Fully sensible of the propriety, and indeed, of the necessity, of such an arrangement, but doubting my authority, under the law, to require a conformity to it, I have delayed a Proclamation, that the subject might previously be submitted to your direction. In the mean time, that no neglect should occur in the improvement of the Institution, as soon, and as amply, as is admissible, a Circular letter has been transmitted to the Municipal and Executive authorities, who have the charge of removing the Lunatics, apprizing them of the time when the Building will be in preparation, and of the desirable arrangement in relation to the reception of its destined occupants. A copy of this Circular, containing a copy also of the communication addressed to me by the Trustees, will be laid before you. It will be observed, that these papers have regard, likewise, to the condition of the person and clothing of the Lunatic, at the time of his removal. This latter regulation is deemed of great importance to the future cleanliness, comfort, and success of the new Establishment. Under a view of all the circumstances, it remains to me, as a duty, to advise to an immediate amendment of the 3d Section of the Statute, so as to provide, instead of the requirement for the removal of the Lunatics from the Gaols and Houses of Correction, as *soon as practicable* after the issuing of the Proclamation, that they shall be removed, thereafter, from the Counties respectively, *in such time and manner, and with such previous preparation of clothing, as in the Proclamation shall be prescribed.*

The Commissioners, charged with the superintendence



of the construction of the Hospital, have not yet had opportunity to collect the accounts of the expenditures, and prepare a Report of the progress and present state of the work, and of what remains to be completed. Various causes beyond their control, have contributed to delay them in the arrangement of the grounds, and the erection of the fences for the necessary yards to the several departments of the Establishment. But the materials are in preparation, and the whole labor may be accomplished, early in the ensuing season.

The visitorial and supervisory powers, which the Executive is required to exercise over the affairs of the State Prison, necessarily make the condition of that Institution a subject of annual communication. The duty of laying before you the Reports of its officers has never been discharged with feelings of higher satisfaction, than on the present occasion. With the former state of the Prison, under arrangements which admitted of free intercourse and correspondence between the Convicts, when little opportunity was afforded for moral culture, and none for religious influences; when labor was compelled by privation and stripes, and industry induced by the bribes of pernicious indulgence, the community have long since been made acquainted. Humanity was shocked at the history of the abominations of the very place set apart for the expiation of crime, and philanthropy itself, well nigh despaired of the application of means to produce correction. It was then, by a wise and liberal act of legislation, involving in ultimate appropriations nearly an hundred thousand dollars of expense, the experiment was commenced, of seclusion from association, and employment in silence, of moral instruction, and religious admonition, encouragement, and consolation, of which a degree of improvement in temper and character, and in

pecuniary results, even unlooked for in the most sanguine anticipations, is already the certain and satisfactory result. In the congratulatory but modest language of the Inspectors, to whom so much credit for this salutary change is justly due, "the Commonwealth may be felicitated on the success of a system, at once wise, humane and economical, affording to the convicts every possible opportunity and inducement for reformation, and, in the possession of an Institution, which, though it may be liable to some fluctuations, depending mainly on the price of labor in the vicinity, is yet, on the whole, competent to support itself, *permanently*. They have never held out higher expectations than these, in relation to it, and, after a careful observation of its progress, for more than four years, they do not hesitate to say, that these expectations are now realized."

In the early part of August, a disease, characterized in the Report of the Physician, as an "Epidemic Diarrhœa, attended with the greatest suffering and peculiar symptoms," suddenly broke out in the Prison, and, in the short space of twenty-four hours, prostrated more than one hundred of the convicts, reducing many of them, apparently, to the very point of death. "Then it was," says the pious Chaplain, "that every inmate of the Prison, however hardened and atheistical he may have before appeared, seemed to feel, that a mightier hand than any of mere created power was in the midst of them. Not a heart but quailed under the exhibitions of this power, which, as it were, in a moment, had prostrated, not the weakest merely, but the strongest and most hardy of their number. Not a soul but felt, that God was there!" And it was of the presence of God, in his blessing upon the application of human means, that all these lives were spared. Although the disease continued to prevail for

weeks, and extended its attacks, with greater or less severity, to almost the entire number of Convicts, *not one* was suffered to perish. The assiduous and unwearied attention and successful skill of the Physician, aided by the gratuitous and kind offices of eminent medical men from the vicinity; the watchful superintendence of the Inspectors; the soothing ministrations of the Chaplain; the fearlessness, firmness, and devoted fidelity of the Warden and his subordinate Officers, in this trying period, deserve, that they should be borne in honorable mention to the Legislature.

The pecuniary accounts of the Prison, made up to the first of October last, show a balance of earnings and receipts, within the year, *exceeding, by four thousand, one hundred and ninety-two dollars and thirty-two cents*, the aggregate amount of expense, of every kind, incurred in the government and support of the Institution, and this, notwithstanding a great diminution in the number of Convicts, and the loss of more than *four thousand days labor*, by sickness. In the balance of credit, however, is included some amount for labor performed the preceding year, which has since been paid, but not more than an equivalent to the value of the time lost by the extraordinary Epidemic alone. To assist in forming a more satisfactory judgment of the industry, discipline, and good order of the Prison, and of the productiveness of its labor, it has been estimated by the Inspectors, that two hundred Convicts must earn, on an average, seventy dollars each per annum, besides their own support, to defray the charges upon the Institution, with the present number of prisoners.

I have but glanced at some of the most striking facts and results presented in the elaborate and interesting Reports from which they are gathered. If in doing even

this, there may seem to have been too much of particularity, it should be considered, that the concerns of this Institution have heretofore been a subject of solicitous regard by the Government, and the moral condition of its inmates the occasion of deep feeling, throughout the Commonwealth. The experiment which has been making was important, both as a measure of Municipal regulation, and an attempt at Penitentiary reform, unpromising indeed in the beginning, and often discouraging in its progress, but the final success of which must be alike gratifying to the sympathies of human nature, and honorable to the character of the State in which it has been accomplished. The Reports will be found to contain many curious disclosures and valuable observations in relation to the causes of crime, in the neglected education and former habits and associations of the Convicts, and in reference to the means of correction, which are worthy the regard of the whole public. The history given by the Physician, of the appearance, prevalence, and treatment of the Epidemic disease, must be especially interesting to the cause of medical science.

The construction of a house for the residence of the Warden, within the limits of the Prison Yard, as directed by a Resolve of the Legislature, has been completed, and is now ready for occupation. Owing to a mistake of the Architect in the Plan approved by the Executive, an enlargement of the dimensions of the Building became necessary, after the contract for the work had been entered into, which has occasioned an inconsiderable excess of expenditure beyond the appropriation. The papers which will be laid before you, will explain the cause and amount of this difference, and the directions which were given by the Executive on the subject. A small additional appropriation will be required to satisfy

the deficiency from the Treasury, or an authority to the Warden to retain the amount, from the balance of credit, in his accounts with the Prison.

The annual account of the state of the Treasury, made up to the first instant, exhibits a gratifying improvement in the condition of that Department. At the commencement of the last year, the balance of Cash on hand was  $\$18,551\frac{3}{100}$ . At the close of the year, it amounted to  $\$81,223\frac{57}{100}$ . This latter sum, however, is specially chargeable with the investment of  $\$38,606\frac{24}{100}$ , received for sales of Eastern Lands, which, by a standing order of the Legislature, is to be placed, as a distinct fund, on interest, subject to any future appropriations by the Government, and would reduce the balance to  $\$42,617\frac{23}{100}$ . The Receipts into the Treasury during the year, *including* the balance at its commencement, but *exclusive* of money borrowed of the Banks, and of all Monies, whether for principal or interest, received on account of the lands, amounted to  $\$384,141\frac{33}{100}$ ; and the aggregate of Payments, *exclusive* of money repaid to the Banks, to  $\$304,613\frac{19}{100}$ . Of the receipts, the sum of  $\$74,507\frac{75}{100}$ , was the proceeds of a State tax granted in 1831, which became payable into the Treasury the last year. If this sum also, should be deducted from the aggregate of receipts, as not resulting from the ordinary sources of Revenue, within the year, there would still remain  $\$309,633\frac{58}{100}$ , being an excess of  $\$5,020\frac{39}{100}$ , over the expenditures. By the aid of the tax, the debt of the Commonwealth to the Banks for loans, which have heretofore been required in anticipation of the Revenue, has been greatly diminished, and the large amount, now in the Treasury, produced.

On a comparison of the accounts of the two last

years, it will be found, that the disbursements at the Treasury in 1832, were less, by  $\$76,868\frac{49}{100}$ , than in the year preceding. Unless disastrous public events should occur, to call for extraordinary expenditures, or interrupt the usual receipts, the revenue from provided sources, may safely be estimated as sufficient to meet the wants of the Government, without resort to a direct tax, the current year. Measures already in operation are effecting salutary retrenchments, and others which have hitherto unsuccessfully been attempted, may yet be adopted, with advantageous and saving pecuniary results.

In the above estimates, the still existing debt of the Commonwealth to Banks and Individuals for loans of money heretofore obtained, has not been disregarded. This debt is now reduced to  $\$140,200$  ; and with all the liabilities which are known to exist against the Treasury, the sum would not be made to exceed  $\$30,000$  more. Against this, the Commonwealth has the large Balance in the Treasury, of  $\$81,223\frac{57}{100}$  ;—Stocks in notes of the Banks, upon the investment of money received of the United States on account of the Claim, to the amount of  $\$281,000$  ; and a further amount of  $\$25,000$  in special deposits bearing an interest of five per cent. on account of the sales of the public lands ;—together with Bonds, Notes, and Contracts, which are the securities for money, in payment for lands, to the amount of  $\$170,812\frac{8}{100}$  with a still further sum of  $\$10,845\frac{77}{100}$  in securities resulting from other sources ; thus making an aggregate of  $\$568,881\frac{22}{100}$  in available funds, applicable, at the pleasure of the Government, to the discharge of obligations not exceeding, at the extent,  $\$170,000$ . Future sales of land, and a further payment on account of the Claim, or, at least, the receipt of interest on that part

of the principal which has been paid, are not such contingencies, but that they may reasonably be looked to, as additional sources of supply to the Treasury of the State.

Much difficulty has occurred in the attempt to make a satisfactory investment of the money accruing from the sales of land, conformably to the order of the Legislature. The high prices of Stocks have been unfavorable to their advantageous purchase in the market, and it is doubted, whether this would even be justified, while a right exists in the Government to subscribe to the Capital of the Banks. Yet, whenever the latter measure has been proposed, it has been met by the objection, that a subscription to the Stock of a Bank already in operation, by the addition of Capital, and the admission of a new partner, would necessarily occasion a valuation of all the property, and a settlement of the concerns of the Corporation, in order to determine the just proportion which the value of the old would bear to the new stock, and would otherwise be attended with such inconveniences as greatly to embarrass the business, and prejudice the interest of the Institution. Although the right of subscription, at any time, on the part of the Commonwealth, is too explicitly reserved in the Charter, to admit a question of the power to claim it, so strenuously have the objections to its exercise been urged, that a temporary arrangement for the deposit of \$25,000, at an interest of 5 per cent. was consented to, until the more definite instructions of the Legislature could be had, on the subject. A considerable additional sum has since been accumulated in the Treasury, for the investment of which, the Treasurer now waits such instructions.

Previous to the close of the last session of Congress, an order was obtained in the House of Representatives,

directing the Secretary of War to resume and proceed in the further examination of the Claim of Massachusetts for Militia Services during the late War, but the subsequent pressure of business in the Department, occasioned partly by the Indian War, and the multiplied and urgent applications under the Pension Act, and partly by the necessary absence of the Head of the Department from the Seat of Government during a considerable portion of the season, has delayed, until recently, any progress in the matter. It is now in the course of diligent and satisfactory attention, and will be urged, by the agent of the State, to as prompt a Determination as may consist with the opportunity for producing a proper understanding of the merits of the service, and securing a just allowance of the charges in the account.

A Bill, which passed both branches of Congress, providing for the payment of interest to the States, for monies advanced in measures for the common defence, during the War, and which would have given to Massachusetts and Maine, on that portion of the Claim which has already been liquidated and allowed, nearly *half a Million of Dollars*, failed to become a Law, through want of the sanction of the President's approval. In a Message addressed by him, at the present Session, to the Senate, where the bill originated, his objections appear to have been taken to the form of the provisions, rather than to the principle of the enactment, and will doubtless be obviated by a new draft, to which they will not apply. A Bill to this effect has, indeed, already been introduced into the Senate, and, from the manifest equity which dictates the measure, reasonable confidence may be indulged, that it will now be permitted to pass into a law. It would be but a vain glorious boast, that the faith of the Nation was redeemed, by the extinction of



the public debt, while the plainest obligation of duty remains to be performed, and the most common act of justice is denied, to one of the Members of the Confederacy.

Recent experience has justified the apprehensions expressed to a former Legislature, of insecurity in the Plates used for the impression of Bank Paper. Close counterfeit imitations have been detected in circulation, and, from their frequency of late, have created alarm for the credit of the currency. The business of society absolutely demands the utmost confidence in the purity of the circulating medium, and the possibility of its being corrupted should be guarded against by every precaution, which authority can impose. The Calendars of our Prisons will show, that counterfeiting and passing Counterfeit Bills, have been among the crying sins of the land. The principal perpetrators of these offences are generally, the most ingenious and crafty of the Sons of Mischief, and from their extensive confederacies and associations, their detection is often dilatory and incomplete. In proportion as the evil is difficult of remedy, should be the vigilance exercised in means of prevention. A Report by Commissioners having distinguished claims, from their general intelligence and their opportunities for practical observation, to public confidence, and who were appointed under the authority of the Government, with the ample scope of assigned duty, "to revise the laws concerning the form of Bank Bills, and the plates from which they shall hereafter be impressed, and to report such other measures as may more effectually protect the Citizens of the Commonwealth against the forging and counterfeiting Bank Bills," remains on the files of the last Legislature, and contains much valuable information and advice, with suggestions

of alterations and amendments of the laws, applicable, in a two fold degree, at the present time, to this important subject. To this able and elaborate document I beg leave respectfully to refer your attention, alike for the facts and the arguments, which should induce to further provisions for the public security.

By an Act of the last Legislature, additional to "An Act to establish the Warren Bridge Corporation," the Executive was vested with certain powers, to be exercised upon the contingency therein provided for. As the Proprietors of the Bridge have since continued to collect the tolls, and no account has been rendered, by which it could be determined, whether they have been reimbursed the money to which they are entitled, an occasion for the interposition of the delegated authority has not as yet been presented. From the limitation of the operation of the Statute to the close of the present Session, some action must necessarily be had upon the subject, by this General Court. Of the disposition which should *ultimately* be made of the property, it is not my intention, at this time, to express an opinion. Should it be called for, hereafter, it will be formed according to the best of my understanding, with all the aids which legal authority and Legislative discussion may *then* afford, and whatever it shall be, it will be declared upon an honest conviction, and with a single reference to the faithful discharge of official duty. But it should now be understood, that parties to a suit have appealed to the Tribunals of Justice, upon grave questions of Constitutional power, involved in the passing of the original Act of Incorporation, and it seems to me, that it would as little comport with a discreet regard to the possible future requirements of the public interest, as with a proper concern for private rights, and the re-

spect which is due to the highest Judicial Tribunal of the Country to whose jurisdiction they have been submitted, to anticipate any decision, by an absolute and unchangeable measure of Legislation. I therefore distinctly recommend, that, until the issue of the litigation to which I have referred, the Government should retain the same entire and unqualified control, which it now has, over the tolls and property of the Bridge, and should this issue not be had in season for more definite legislation the present Session, that the Act of the last Legislature should be extended and continued in force, for another year.

In the unequalled prosperity of the past year, the abundance of money, the facilities to credit, the excitements to enterprize, and the abundant rewards of labor, there is danger, that, both the adversity of former times, and the possible reverses of the future, may have been unheeded. A wise forecast will provide against the disastrous consequences of sudden changes. In this point of view, measures which have hitherto been proposed for the protection of creditors against fraudulent assignments by dishonest debtors, and the relief of honest but unfortunate men from the law's perpetual pressure, assume a new and increasing interest. My sentiments, on these subjects, have been fully and repeatedly submitted to the Legislature, but I should illy acquit a sense of duty, on the present occasion, if I neglected to urge the improvement of this favorable opportunity for a revision of the laws, that, by mitigating the rigor of their application to the person of the insolvent debtor, and securing an equal participation in the benefit of his effects to all who have given him trust, the just rights of property may be better protected for the one, and the dearer enjoyment of liberty, forfeited by no crime, made inviolable to the other.

The unavailing efforts hitherto made to produce reform in the Constitutional Representation of the People, might almost justify a distrust of the propriety of recommending a further attempt to this desirable end. Your practical experience, as constituent members of a legislative body of nearly *six hundred* Delegates, will now, present arguments of stronger personal effect, to direct your attention to the subject, than any which language can offer. The inconvenience of situation for the transaction of business; the difficulty of hearing or being heard in debate; the interruption, confusion, and delays inseparable from the presence of excessive numbers in a deliberative assembly, are but too obvious to require relation. In these respects, the evil of a crowded representation is seen, and felt, and universally acknowledged. But here are the least of its objections. The absence of all feeling of individual responsibility for the measures of legislation, the greater danger of precipitancy, uncertainty, and incongruity, from sudden and popular influences upon its action, and the grievous burden of its expense, increasing and to increase with hardly any limits, do demand, that no opportunity should be omitted to press the strong necessity for a change. Efforts to produce it should never cease, until the work is accomplished. A spirit of personal disinterestedness and of public virtue, a clear perception of the requirements of duty, and concessions of mere preferences of mode, to the practicable attainment of the object, are alone necessary to secure success. No true friend to the best interests of the Commonwealth will contemplate, with satisfaction, a continuance of the existing state of things. Indeed, if it be not corrected, it must become more and more aggravated, until the people, impatient of the grievance, and having looked in

vain to an application of the constitutional provision for relief, will, in their primary assemblies, declare, for themselves, the method of redress.

The unexpected delay, which took place the last year, in the passage of the Apportionment Bill, by which the ratio of the federal representation is regulated, devolved upon the present Legislature the duty of providing for the election, in this Commonwealth, of Representatives to the next Congress of the United States. With the third of March next, the term of the twenty-second Congress expires, and it has already been publicly suggested, and the peculiar aspect of our domestic relations renders it not altogether improbable, that, upon its dissolution, a new Congress may be specially convened. In even a remote prospect of such an event, a vigilant regard to the best interests of the State, would prompt to an immediate determination of the time and manner of choosing her Representatives. The most alarming present anticipations could admit of no aggravation, beyond the apprehension of a meeting of Congress, in which Massachusetts might have no voice. Should there not shortly be more distinct indications of the course of future measures, it would seem to be demanded, by every consideration of political expediency and precaution, that the passage of a law should be hastened, providing for the choice of Representatives, and fixing the earliest convenient day for holding the elections.

With the present Legislature also rests the responsibility of electing a Senator of the United States, after the third of March next, when the term of one of the Senators from this Commonwealth will expire. In this period of fearful apprehension for the stability of the Republic, and of deep misgivings for the safety of our free institutions, the whole people will expect, that the

influences of talent and eloquence, and learning, and patriotism, which Massachusetts, in times past, with such proud distinction to herself, and faithful service to the Nation, has contributed to the support of the Constitution, and the maintenance of the integrity of the Union, shall neither be withdrawn, nor in one jot diminished.

I have now, in the usual manner, and with as much brevity as consisted with a sense of obligation, presented to your view the prominent subjects of domestic concern, which have fallen within the Executive Administration of the Government the past year, or seemed proper to be suggested for the further advice and action of the Legislature, at this time. Happy would it have been, if the duty of the occasion could have rested here. But matters of more general and momentous import demand your attention. Dark and angry clouds, suddenly gathered, already appear high in the political horizon, portending immediate and imminent danger. A fearful tempest may be approaching. A crisis, as extraordinary as it is unexpected, in our national affairs, is at hand, and it behooves every true hearted citizen to look well to the guards and securities, which wisdom and patriotism and foresight have provided, for his own and his country's safety.

The State of South Carolina, by its Chief Magistrate, has formally transmitted for your attention, the proceedings of a Convention of the Delegates of the people, in relation to the Tariff laws of the United States. By an Ordinance, deliberately and solemnly adopted in that body, these laws are declared to be unconstitutional, and, after the first day of February next, are abrogated and made null and of no effect, within the limits of that State, and all attempts to enforce them, by the General Government, are to be resisted with force and to blood.

The powers and process of the Federal Courts, in the cognizance of matters concerning the revenue, or in the exercise of civil jurisdiction, in any wise touching its collection, against the citizens of the State, are prohibited, and the sanction of oaths required, and penalties enacted, to assure disregard and disobedience to their authority. In addresses by the Convention to the people of the State, and the citizens of the United States, which accompany the transmission of the Ordinance, the powers exercised by the General Government, are denounced as "gross usurpations." Measures deliberately adopted and pursued for years, with the sanction of a large majority of all the States, and people of the Union, are represented as "partial, unequal, and corrupt." The laws of Congress, passed at successive periods, and under many changes of representation, are declared to be "unparalleled for injustice and oppression under the forms of a free government." The whole protecting system is pronounced a "violation of the eternal principles of natural justice, converting the Government into a mere instrument of Legislative plunder," and in sustaining it, it is said, "the majority of Congress, is, in strict propriety of speech, an irresponsible despotism." It is further gravely charged, that, in relation to South Carolina, "all the powers of the earth by their commercial restrictions, and all the pirates of the ocean, could not have done so much to destroy her commerce, as has been done by that very Government to which its guardianship has been committed by the Federal Constitution ;"—that "a gigantic system of restrictions has gradually been reared up, and at length brought to a fatal maturity, of which it is the avowed object, and must be the inevitable result, to sweep that commerce from the great highway of Nations, and cover the land with poverty and ruin." And

the people of all the States are admonished, "that the die is cast,"—that "South Carolina has solemnly resolved, that, until these abuses are reformed, no more taxes shall be paid there;"—that she will "throw off this oppression at every hazard;" and will regard any attempt to enforce the laws declared by her to be null and void, "otherwise than through the civil tribunals, as inconsistent with her longer continuance in the Union,"—and finally, by requiring of Judges and Jurors an oath, "well and truly to obey, execute, and enforce" the Ordinance, she closes these tribunals against even this resort.

Such is a synopsis of the principles, measures, resolves, and threatenings, *in terms extracted from the Documents themselves*, which one of the States of the Union has sent forth, expressly for the notice and consideration, and impliedly, for the sanction of every other. Monstrous as they may appear, they are represented in no other or stronger character, than the elaborate arguments by which they are attempted to be justified, evince they were intended to be understood. Called to pass upon this Bill of Presentment against a common Government, it will better comport with the cooler temperament of a section of Country, ungenerously taunted as "the Manufacturing States, with an inhospitable climate and a barren soil," to examine the matter with calmness and deliberation, unexcited by the ardency of the appeal, and undeterred from the performance of any patriotic duty, by threats of its consequences.

And is it then true, that we live under a Government which can deservedly be thus arraigned? Are we wittingly and willingly the slaves of a self-inflicted Tyranny? Is the policy to which we have so long submitted, and which has been so generally approved, partial, injurious,



and corrupt? Are the tariff laws, repeatedly enacted by a Constitutional representation of the people, oppressive to the people, and repugnant to the Constitution? Where has the issue been joined? By what Court, Federal or State, from the first obnoxious statute in 1816, down to the present time, have these laws been adjudged void? What Carolina Jury would now pronounce them void, but for the Ordinance of Nullification; and why else this Ordinance, unless it be, to annul what otherwise might be held valid? No axiom in law is more universally understood, than that an unconstitutional enactment is a void letter, absolutely, and in itself nugatory and without force. If the tariff laws are unconstitutional, it needed not the process of a convention to absolve the people from obedience to them; but, if constitutional, no convention can destroy this obligation. The inequality and hardships of a system, which the law upholds, are another and distinct consideration. These may be good causes for modifying or repealing, but not for disregarding a Statute. But to admit that a State may set at naught a law, which, however unacceptable, is in fact Constitutional, is to allow a party to the Federal Compact to violate, at pleasure, its own solemn engagements. If the States, in their sovereignty, formed the Constitution, then did South Carolina as one of them, agree, that the laws of Congress, made in conformity to it, should be supreme. To disobey them, then, is to break the faith of that agreement. But if the whole people were the parties to the compact, the attempt of a State to annul the obligation, is an interference to prevent the execution of the laws, for which the violent and the lawless, under whatever form of combination they may seek to shelter themselves, are personally responsible.

But it is asked, shall the very power which claims to

exercise a questionable authority, decide peremptorily upon its sufficiency? Certainly not. Nor shall he who derides that authority, be permitted to adjudge his own justification. The framers of the Federal Constitution foresaw, and wisely provided against this difficulty, and if the States, by subscribing to its terms, have conceded any thing, it is the clear, explicit, and exclusive right of judging of infractions of the instrument, in the making of laws, to the JUDICIARY. It betrays an unpardonable ignorance of the character of our institutions to identify this department of the Government with the law-making power. The latter, within the scope of its legitimate exercise, is not more independent of the States, than is the Judiciary beyond the dictation of Congress. Both are the creatures of the Constitution itself, the work and the will of the people, each co-ordinate, distinct, disconnected from the other. It might as well become a State to abrogate a law, merely from a dissent to its expediency, as to usurp judicial functions in authoritatively pronouncing against its constitutionality. Whence too, the jealousy of this Tribunal? Has it manifested a want of independence; any spirit of subserviency to the Legislative or Executive Departments of the Government? On the other hand, has it not exhibited a noble elevation above the reach of all sinister influences, maintaining, through the strife of every party conflict, a fearless indifference to popular excitements, resting itself upon the consciousness of duty, and trusting for support to the intelligence of the people, the only enduring foundation of the fabric of free Government!

It is but a narrow view of the true policy of the protecting system, to regard it, only in connexion with the arbitrary and ever varying arrangements of men in the pursuits of business, or in its adventitious influences upon

the local interests of different portions of the community. In its origin, it was, strictly, a governmental measure. The revenue which it has produced, has hitherto been wanted for a purpose, to which the most uncompromising anti-tariff State will concede, that it might legitimately be applied. The Debt of the Nation is not, even yet, discharged, and, but for the duties, which have, either incidentally, or from intention in their imposition, afforded encouragement to Manufactures, would have now remained, to depress with a millstone's weight the struggling energies of the Country. Would South Carolina, think you, have consented, for its extinguishment, to have paid, by *direct taxes*, the Constitutional equivalent for her slave representation? And with what better propriety could she demand, that, to her exemption from this conventional proportion of the public burdens, the whole revenue of the Government should be raised by imposts, without discrimination as to objects, favoring in some degree, the interest of the non slave holding States? But the protecting policy is to be sustained on higher grounds than the advancement of any local objects. Even its tendency to encourage domestic industry and thus promote the prosperity and happiness of the people, does not furnish the strongest argument in its defence. It lies at the foundation of true National Independence. It will enable the Country, in the extremest time of external pressure, to rest upon her own resources, to disregard the commercial restrictions of other Nations, the cupidity of foreign monopoly, the capriciousness of trans-Atlantic legislation. It will clothe her armies in war, and furnish supplies, occupation, and necessary support to her people, under every emergency. Let those who have heard, as has been heard,—aye, and within these Halls too, a serious argument, eloquently

urged, against the improvident prosecution of a necessary war, from the inability of the country to supply blankets to her Soldiers, estimate the genuineness of that patriotism, which would again render an attempt to vindicate National honor justly obnoxious to such an objection. If there be not enough in this latter consideration alone, to justify a tariff for protection, then, forthwith let it be abandoned. It is true indeed, that the policy of encouraging domestic manufactures, by protecting duties, has of late been sustained, by the almost universal sentiment of the people of this Commonwealth, and is defended by her entire Representation in both Houses of Congress. It was not originally a New England policy. It was forced upon Massachusetts;—not voluntarily adopted by her. As recently as 1824, it was opposed by the votes of all her Delegates, save one. But from the decision of that time, it was regarded as the established policy of the Nation, and has been acquiesced in and conformed to, in all the arrangements of business, until it has become so interwoven with the pursuits of the People, that it cannot be surrendered, without wide spread and overwhelming ruin to the most valuable public interests. The course of domestic industry, thus directed and thus encouraged by the Government, now claims support, from its intrinsic importance, less to individuals than to the Community, to the extent of protection—*efficient protection*, against disastrous competition, with foreign work-shops, operated by the power of accumulating capital, bearing in other Countries, upon the labor of an oppressed and starving population. If beyond this, there has been aught of patronage or bounty, in the measures of legislation, prejudicial to any interest, let experience and discretion apply the remedy. This is a practical question, which,

an inquiry into facts, rather than the speculations of political economists, will best determine. The Citizens of the "Manufacturing States," rugged as may be their soil, would, in the sweat of the brow, subdue it to the hill tops, rather than seek, through a claim to exclusive privileges, peculiar advantages to themselves, to the denial of an equal right, in their Southern Brethren, to participate in all the sources of public and private prosperity.

But we are told, "the die is cast." Then be the consequences on the heads of those who have recklessly risked all, which is dear in Country, upon the desperate hazard of the throw. The Government is the birthright of every citizen, established by the wisdom of a common ancestry, the progenitors of the present generation. It has carried the Nation onward, to a height of happiness unexampled in the history of the world. Under the old Confederacy of States, separate in their absolute Sovereignty, it was weak, and feeble, and incapable of self preservation. Strength and prosperity sprung from "a more perfect union." They who would now violate this, are enemies to the peace and liberty of the land. Let none be deceived. *Resistance to the Union is treason against the people!* There should no longer be reserve or disguise on this subject. This is not a time for indulgence in slothful security. The political watchman, who sounds not the alarm of danger, is sleeping on his post, or already has betrayed his trust. They who say that nullification may be made consistent with the preservation of the Union are unsafe guardians of the public weal. They, who, with arms in their hands, pursue it, as a peaceable remedy, use but the mockery of words to conceal the true character of actions. Let South Carolina be conjured to pause, yet longer, before she strikes the

parricidal blow. Opposition, by force to the laws of the General Government is REBELLION, from which the only escape is in REVOLUTION. Let her not lay hold of the very pillars of the Temple of Freedom, with the insane purpose of burying the Country with herself under the ruins of the beautiful and once hallowed Edifice. God grant that better Counsels may save her.

For us, we have but to prepare for the trials and the duties which the future may impose. The Chief Magistrate of the Nation has appealed to the whole People, to sustain, by the force of public sentiment, the sovereignty of the laws. Deprecating the occasion of a resort to force, he has, nevertheless, patriotically declared that his duty is to the Country, and that this duty shall be performed ;—that the charge of administering the Constitution is a trust, delegated for the benefit of all, from which he cannot depart at the bidding of a few. He has invoked the spirit of forbearance, consideration, and patriotism, among the citizens of the disaffected State. He has appealed to them, by the remembrance of a common origin, a common Country ; by the sympathies of kindred and friendship ; and with assurances of security and happiness in continued Union, and the certainty of ruin and wretchedness in division and civil commotion. He has admonished them of the character and the consequences of their rash and precipitate measures, and has entreated them, “ as a Father,” to retrace their steps, in the downward course to inevitable destruction. Thus far, the effort has been unavailing. Admonition has been met with scorn and defiance, and a summons to arms has answered the appeal to forbearance. It may even now be, that the irretrievable blow is given. Be it then ours to rally to the defence of the Government and Laws. Let the response to the call of the Chief Magistrate be,

the pledge of true hearts, and firm minds, and of the vigorous muscle of the freeman's arm, in support of the Constitution. If Nullification and Secession be suffered to obtain in a single State, the Union is no more. Each State, in its turn, will find cause of offence, and every occasion of dissatisfaction will be but a fresh signal for revolt. The Constitution itself will become like the tempest broken vessel in the Ocean's storm, which for a while may be upborne upon the billows, but must be cast at last in useless fragments upon the strand.

It is consoling to turn from the threatening proceedings of one of the States, to the patriotic Resolves of another. Pennsylvania has transmitted, also, for your notice, the expression of her determination to stand by the Constitution and the Union. In Resolutions, which will be laid before you, she has asserted the supremacy of that Constitution, and the Laws made in pursuance of it, over any pretension of reserved authority in a State, to absolve its citizens from their national allegiance. She rejects the doctrines of Nullification, as an infraction of the vital principle of the Confederation; maintains the right of the General Government to impose duties upon imports, and to collect those duties in every part of the Union; and proffers the aid of all the means in her power, in enforcing the laws, and in sustaining the Chief Magistrate, in all Constitutional measures calculated to preserve and perpetuate the Union of the States.

Resolutions of the General Assembly of the State of Tennessee, disaffirming the powers of the General Government to make internal improvements within the States, without their consent, and approving the views and sentiments of the President as expressed to Congress in his negative upon the Maysville Road Bill, and Resolutions in relation to the disposition of the public

lands, recommending the appropriation and distribution of the nett proceeds of the sales, among the States and Territories, as a fund for Education, are also submitted to you.

Permit me, Gentlemen, in conclusion of this already too protracted Address, to add one word of personal reference. The honor, which has been conferred upon me by my Fellow Citizens, in numerous successive elections to this high station, has claims to acknowledgements, which I have power but feebly to express. It were better that my earnest though humble efforts, to requite the confidence reposed in me, should now be appealed to, to testify the sincerity and depth of that gratitude, which a just sense of the obligation has inspired. The ensuing year will complete the ninth term of my Executive Office. During this long period, a generous indulgence has been uniformly extended to me by the People, and a faithful, efficient, and friendly support, without which that indulgence could not have been looked for, accorded by those, with whom it has been my happiness to have been officially associated. Sensible to the dictate of Republican principle, which demands, in elective offices, the occasional freshness of new powers for the public service, and by a change of *Men* presents to *all* the highest incentives to deserve the public honors, I now beg leave, to announce my intention to decline being considered a Candidate for re-election. If, at the close of the year, it shall be permitted to me, to see this ancient and beloved Commonwealth, the Land of the sepulchres of the Pilgrims, and of the monuments of the virtues of Sages and of Patriots, then united, as it now is, in public sentiment, rejoicing as it now does, in unsurpassed prosperity ; to carry with me, into private life, some portion of the regard of my Fellow Citizens, which has cheered the



path of official duty ; and thereafter to share in the kind remembrance of those whose councils have aided in the public service ; that voluntary retirement from office, to which I have constantly looked may not have been delayed, too long. Let it be remembered by us all, that, whether in public or private stations, high personal responsibilities will continue to attach to us. As Citizens of the only Republic on earth, we have a trust, such as was never before committed to any people. With us rests the keeping of the Ark of the Covenant of Civil Liberty. Here, in these United States are those alone, who bear it. The hopes of the World are upon us. The prayers of the oppressed of all Nations are with us. Let us be true to ourselves ;—true to our duties ;—true to the destinies which are in our own hands,—firmly resolved, in the possession of the blessings which a kind Providence has vouchsafed to us, that they shall go down to our Children, sealed, even, if it needs must be, with the Blood of their Fathers.

LEVI LINCOLN.

*State House,  
Boston, Jan. 8th, 1833.*

## CHAP. I.

*To the Honorable Senate, and  
House of Representatives.*

The Secretary of the Commonwealth is charged with laying before you various Documents, relating to subjects upon which I had the honor personally to address you.

LEVI LINCOLN.

*Council Chamber, January 8, 1833.*

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## CHAP. II.

*To the Honorable Senate, and  
House of Representatives.*

Major General Thomas Sheldon, of the Fourth Division of Militia, having resigned and been honorably discharged, it is made my duty to inform you that a vacancy exists in that command.

LEVI LINCOLN.

*Council Chamber, January 9, 1833.*

## CHAP. III.

*To the Honorable Senate, and  
House of Representatives.*

I herewith transmit a copy of a Resolution of the Senate and House of Representatives of the State of New Hampshire, approving of “the sentiments contained in the Proclamation of the President of the United States, dated December 10th, 1832,” and of the sentiments and measures of his administration generally—which Resolve has been forwarded to me by the Secretary of that State, in compliance with the direction of the Legislature thereof.

LEVI LINCOLN.

*Council Chamber, January 14, 1833.*

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## CHAP. IV.

*To the Honorable Senate, and  
House of Representatives.*

The Return of the Militia of this Commonwealth for the year 1832, together with the Return of the Ordnance, Ordnance Stores, Muskets and Military equipments in the Quarter Master General’s Department, on the 31st of December last, which have been made to me

by the Adjutant and Acting Quarter Master General, are now submitted to the Legislature, for their notice and information.

LEVI LINCOLN.

*Council Chamber, January 14, 1833.*

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## CHAP. V.

*To the Honorable Senate, and  
House of Representatives.*

I have just received, and now herewith lay before you, several Documents from the Executive Department of the State of Georgia, communicating the proceedings of the Legislature of that State, in relation to the powers of the General Government under the Constitution of the United States, suggesting Amendments of that Instrument, in numerous particulars, and concluding with a Resolution, making application to Congress “for the call of a Convention of the people to amend the Constitution in the particulars enumerated, and in such others as the people of the other States may deem needful of amendment;” which Documents are submitted for an expression of the opinion of the Legislature of this Commonwealth thereon. I also accompany the transmission of these papers with Copies of Resolutions of the General Assembly of the State of Illinois, which have been forwarded by the Governor thereof, urging the occasion of the passage of a Law, by Congress, “for the more perfect organization of the Militia of the several States.”

LEVI LINCOLN.

*Council Chamber, January 16, 1833.*

## CHAP. VI.

## ROLL OF ACCOUNTS

*For Repairs and Alterations in State House.*

Enoch H. Snelling, for glass and glazing,	\$14 40
Bullard & Willet, for lath for new gallery,	5 62
W. & G. W. Adams, for railing and bannisters, do.,	8 13
John H. Wheeler, for labor in making new gallery on north side of Representatives' Chamber,	568 77
Holland & Huntress, for lime and hair, do.,	5 65
Alexis Pool, for boards and timber, do.,	216 41
Andrew Drake, for lime and sand, do.,	5 00
Henry Blaney, for lathing, plaistering, &c. do.,	108 81
Samuel Bradlee & Son, for nails, hinges, &c. do.,	27 26
Gore & Baker, for painting, &c. do.,	63 07
South Boston Iron Company, for 4 cast iron columns,	100 96
Daniel Magner, for coloring walls, &c.,	48 00
John G. Stowell, for making clock for Senate Chamber, and repairing clock in Representatives' Chamber,	99 50
	<hr/>
	\$1,271 58

*Resolve to pay sundry Accounts for Repairs in the House of Representatives.*

January 16, 1833.

*Resolved*, That there be allowed and paid out of the public treasury, to the several persons mentioned in the annexed Roll, the sums set to their names respectively, amounting in the whole to twelve hundred and seventy-one dollars and fifty-eight cents, the same being in full discharge of the accounts and demands to which they refer. And His Excellency the Governor is hereby requested to draw his warrant accordingly.

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## CHAP. VII.

*To the Honorable Senate, and  
House of Representatives.*

His Excellency the Governor of Illinois having forwarded to me Copies of a Communication made by him to the General Assembly of that State, together with a Preamble and Resolutions adopted by that Body, in which Documents the Proclamation of the President of the United States, in reference to the Ordinance and Proceedings of South Carolina upon the subject of the Tariff, is commended, and a determination expressed, *in ardent and patriotic terms*, to sustain the Constitution and the Union against the principles and measures of Nulli-

fication, I have great satisfaction in herewith submitting the same to your consideration.

LEVI LINCOLN.

*Council Chamber, January 17, 1833.*

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## CHAP. VIII.

*Resolve on Petition of Reuben Guild.*

January 17, 1833.

*On the petition of Reuben Guild, Administrator, for permission to perpetuate evidence of notice of the sale of certain Real Estate ;*

*Resolved,* For reasons set forth in said Petition, that Reuben Guild, of Dedham, in the County of Norfolk, Administrator *de bonis non* of the estate of John B. Hoskins, late of Boston, in the County of Suffolk, deceased, be, and he hereby is authorized, at any time before the first Monday of March next, to make and file, in the Probate Office of said County of Suffolk, his affidavit, setting forth the time, place and manner in which he gave notice of the sale of certain Real Estate of said deceased, situated in said Boston, which the said Guild was authorized to sell by virtue of a license granted to him by the Supreme Judicial Court, and such reasonable notice being given to all persons interested in said Real Estate, as the Judge of Probate for said County of Suffolk shall order, to show cause why such affidavit should not be filed as aforesaid, and no good cause being shown by such persons, such affidavit, being filed as aforesaid, shall be evidence of the time, place and manner in which

such notice of sale was given, and be of the same legal effect, as if such affidavit had been made and filed in said Probate Office, within the time prescribed by the Statute in that behalf provided.

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## CHAP. IX.

*To the Honorable Senate, and  
House of Representatives.*

I comply with a request of His Excellency the Governor of South Carolina, in laying before the Legislature the accompanying Resolutions of the Legislature of that State, declaring the expediency, "that a Convention of the States be called as early as practicable, to consider and determine such questions of disputed power as have arisen between the States of this Confederacy and the General Government."

LEVI LINCOLN.

*Council Chamber, January 19, 1833.*

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## CHAP. X.

*Resolve on the Petition of John S. Tyler, Guardian.*

January 21, 1833.

On the petition of John S. Tyler, of Boston in the county of Suffolk, guardian of George P. Tyler, Charles T. Tyler, and Thomas P. Tyler, minors under the age



of twenty-one years, and children of Royall Tyler, late of Brattleborough, in the county of Windham and state of Vermont, deceased :

*Resolved*, That the said John S. Tyler, in his capacity of guardian as aforesaid, be, and he hereby is authorized and empowered to make, execute and deliver to the city of Boston, a proper deed or conveyance, whereby to pass and convey to the said city the right, title, interest and estate which the said minors have in and to the parcel or tract of land, described in a resolve of the legislature of this Commonwealth, passed on the thirteenth day of March, in the year of our Lord one thousand eight hundred and thirty-two, being the share or proportion falling, or coming to, the said minors, by reason of the decease of their minor brother, Abiel W. Tyler, since the passing of the said resolve.

*Provided always*, That before the said John S. Tyler, as such guardian, shall execute any deed pursuant to the authority hereby given, he shall make and execute, in due form of law, a bond, with sufficient sureties or surety, (to the acceptance of the judge of probate of the county of Suffolk,) to the said judge, in such penalty as the said judge may require, with condition that the said John S. Tyler shall well and truly account for the purchase money which he may receive as the consideration for the conveyance of the said share of said minors ; and which condition shall be in the like form which is required by law, and to the same effect as when guardians are empowered by the judicial courts to make sale of the real estate of minors.

## CHAP. XI.

*Resolve for paying James H. Foster and George A. Brewer, for furnishing cushions and carpeting for the Representatives' Chamber.*

January 22, 1833.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to George A. Brewer, the sum of five hundred and thirty-two dollars and eighty-eight cents, and to James H. Foster, the sum of two hundred and forty-five dollars, and eighty-seven cents, in full of their accounts, and his Excellency the Governor is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. XII.

*Resolves in Relation to a Bill now pending in the Congress of the United States.*

January 23, 1833.

The Joint Committee, appointed to consider so much of the Governor's Address as relates to the proceedings of the late Convention of the people of South Carolina, and the purposes and policy thereof; and also the Resolutions of the State of Pennsylvania thereon; and to whom have been referred the Resolutions of the State of New-Hampshire upon the sub-

ject of the Proclamation of the President of the United States in reference to the same, have entered on the consideration of the matters intrusted to them, and respectfully submit the following Report in part.

On examining the proceedings of the late Convention of the People of South Carolina, the Committee find, that they announce, on the part of that State, pretensions of a novel and dangerous character, which, if persisted in, and carried out in practice, can only terminate in the destruction of the Government. South Carolina claims for herself, as one of the States composing this union, the right of annulling at discretion any act of the Government of the United States, which she may regard as unconstitutional ; and has undertaken to exercise this right in reference to the laws imposing duties on the importation of foreign goods. In a public act, denominated an Ordinance, the Convention declare, that those laws are null and void, and make it the duty of the legislature to adopt such measures, as may be necessary to prevent their enforcement within the limits of the State. The addresses and reports accompanying the Ordinance set forth the reasons, by which the Convention endeavor to justify their proceedings, and appeal to the people of the several States for their sanction and approval.

Such pretensions, made in so respectable a quarter, with every appearance of earnestness, and officially communicated to the government of this Commonwealth, will naturally require from the General Court the expression of some opinion upon their correctness and consistency with the constitution and laws of the country. The committee accordingly propose, after the farther and more mature examination of the subject, which seems to

be due to its extraordinary importance, to submit a Report upon those points. In the mean time, they find, among the practical consequences of these proceedings, some which affect very deeply the interest and honor of this Commonwealth, and which, from the peculiar urgency of the case, appear to call for some distinct and immediate action.

The objection made by the state of South Carolina, to the laws which she has undertaken to annul, is, that they were passed for the purpose of protecting domestic industry. She distinctly declares, that she will not permit any laws made for this purpose to be executed within her limits, and that, if an attempt be made to carry them into execution by force, she will withdraw from the Union. The Executive branch of the Government of the United States has met these pretensions with a firmness that becomes the official representative of a great and enlightened people, and has declared in a public proclamation, that the laws must and will be enforced. The legislative branch of the government will doubtless exhibit, in its final action, the same firm and dignified attitude which has been assumed by the President; but the Committee have learned with regret, that a bill has been reported by one of the most important Committees of the House of Representatives, and is now under discussion in that body, the object of which seems to be to remove the danger of a collision between the government of the United States and South Carolina, by granting to the latter all that she demands. This bill is incorrectly described in its title, as a bill for the reduction of the duties on imported goods. While the duties on imported goods of some descriptions are reduced by it, those on others are raised, and should the bill become a law, its general result would probably be to increase

rather than diminish the receipts into the treasury. The real object of the bill is obviously so to modify the laws laying duties on imported goods, that they shall, in no degree, or as little as may be, afford protection to the domestic industry of the country. The passage of such a law, considered merely as a change in the economical policy of the government, would be exceedingly injurious to the best interests of the people, and in particular of the citizens of this Commonwealth; and taking into view the circumstances under which it is proposed would, in the opinion of the Committee, seriously compromise the dignity and honor of the country.

1. Considered merely as a change in the economical policy of the government, the passage of this bill would be ruinous to the best interests of the people, and particularly of this Commonwealth. It reduces to such an extent the duties on imported cotton and woollen goods, that the domestic manufacture of these articles could not be sustained. These manufactures, which have grown up under the assurance of protection from the government, now employ many millions of capital, and several hundred thousand persons. In this Commonwealth, the amount of capital invested in these two branches of manufacture only—though it cannot be calculated with much exactness, is probably not less than from thirty to forty million dollars. A great part of this capital, and with it the fortune of the citizens to whom it belongs or gives employment, would be destroyed forever by the passage of this bill. The effect of the passage of the bill on the growth of wool, and on the manufacture of iron and sugar would be not less injurious. It would, in short, prostrate at a blow all the principal branches of domestic manufacturing industry.

The fatal effect of such a measure upon the public welfare, hardly needs to be specified. The importance of domestic manufactures, as a home market for the products of agriculture, as a security for the National Independence, as a means of increasing the wealth and population, extending the comforts, and elevating the civilization of the community, is universally admitted. The most enlightened nations have always been ready to make great sacrifices for the sake of naturalizing, within their own limits, these valuable establishments. Our own Government has, for fifty years, uniformly, perseveringly, and successfully, pursued the same policy. The small tax which it has imposed upon us, in the increased price of some articles, has been repaid in a thousand different shapes, in the augmented prosperity of the country. After we have thus, for half a century, fostered our domestic manufactures with increasing care, until we have finally brought them to their present flourishing condition, is it politic, patriotic, consistent, to turn upon them suddenly and by a single wanton act of power, crush them all at a blow? Would not an act of this kind appear to be dictated rather by wild caprice than by the sober and prudent calculation which ought to prevail in the councils of a great people.

It is obvious that such a proceeding could only be justified by some very strong and urgent motive. In the present instance none whatever can be found. The pretext alleged by South Carolina for desiring the repeal of the protecting duties is, that they are unequal in their operation—that they press more heavily upon her industry than upon that of the North, and have reduced her to a state of comparative decay. But these allegations, which are sustained only by fine-spun metaphysical disquisitions on political economy, are wholly at variance

with notorious facts. It is known to every impartial inquirer, that the establishment of home manufactures, by opening a new market for their staple products, exercises a most beneficial influence on the prosperity of the planting States, and that, if some of these have in fact declined at all, it has been, not in consequence of the Tariff, but of the opening of richer soils in the new South Western States. The pretence alleged by the framers of the bill is the necessity of reducing the revenue, in consequence of the diminution of the public expenses resulting from the payment of the national debt. This is still more futile than the other. If it be the object of the bill to reduce the revenue, why does it restore the duties on tea and coffee? Are the framers of the bill ignorant of the known and familiar fact, that a diminution of the duties on imported goods, by increasing the importation generally, increases the aggregate receipts. The effect of the bill, should it become a law, would probably be, as your Committee have already remarked, not to diminish but to increase the receipts into the Treasury. The framers of it cannot be ignorant of this, and the real object in proposing it, must therefore of necessity be different from the professed and ostensible one.

If it were for any sufficient reason really expedient to change in this way the long established economical policy of the country, the plainest considerations of humanity and justice would dictate, that the change should be made very gradually, so that the citizens, whose property is invested in manufactures, might be able to disengage it with the least possible loss. No greater political evil can well be imagined, than violent and sudden changes of the laws on any subject, and, where such changes are of a nature to affect immediately the welfare of individuals, they can only be excused by the severest ne-

cessity. The force of this consideration has been heretofore acknowledged even by the opponents of the protecting policy, and was kept in view in all previous projects for the reduction of duties. It is now, for the first time, seriously proposed to effect at once a reduction large enough to destroy the most flourishing establishments, and to carry desolation through the whole manufacturing interests of the country.

Such is the character of the bill, considered merely as a change in the economical policy of the Government. The objections to it, which your committee have stated in the most concise form, but which are too familiar to the public mind, not to occur at once with all the necessary development to every one, are plain, obvious, palpable. They cannot, it would seem, be overlooked or disregarded by any sincere and enlightened friend of the country. Strong as they are, they are, however, if possible, inferior in importance to those which are suggested by a view of the circumstances under which the bill is proposed.

2. Considering the circumstances under which it is offered, the bill amounts to a proposal to surrender the rights and interests of the whole people to the menaces of a single State, and the passage of it into a law would seriously compromise the honor and dignity of the government.

A few months only have elapsed, since the present Congress, with great consideration, and after many months of long and anxious debate, passed an impost law, which was to take effect from and after the first day of next March, and which has of course not yet gone into operation. No law has ever been passed in this country, upon which the people at large or their Representatives in Congress have bestowed more time, labor,



and attention, than upon this. Two great Conventions were successively held, masses of materials in the form of reports and statistical documents were collected, and months of debate were employed in bringing it to perfection. It was a law of reduction—constructed on the professed principle of compromise, with a view of satisfying, by every reasonable concession, the discontents of the South. It was adopted by an unusually large and gratifying majority, composed of moderate men of all parties. The repeal of a law made with so much labor and caution, before it has even gone into operation, is a measure, which could obviously be justified only by some very important political event occurring in the interval. It is a measure which in the nature of things would never be proposed, excepting as a consequence of some such change. What event then has occurred, since the adoption of the impost law of the last session of Congress, of a nature to lead to such a proposal?

The only event which has taken place since the last session of Congress, that has any bearing at all on the subject, is the declaration of the South Carolina Convention, that that State will secede from the Union unless the protecting policy be forthwith abandoned. The Bill reported by the Committee of Ways and Means of the House of Representatives proposes the immediate abandonment of the protecting policy. Does it require any argument to make it appear, that the report of this bill is one of the results of the South Carolina Convention? Does it require any argument to shew, that the passage of such a bill, reported under such circumstances, into a law, would be as inconsistent with the honor as it would be with the interest of the Country?

Your Committee think not, and conceiving it to be of great importance that the opinion of this General Court

should be distinctly and promptly expressed upon the subject, they respectfully submit the following Resolves.

All which is respectfully submitted,

By order of the Committee.

A. H. EVERETT, *Chairman.*

*Whereas*, the Committee of Ways and Means of the House of Representatives of the United States have reported a Bill for the further reduction of the duties on imported goods, the passage of which into a law would materially affect the interests of the people of this Commonwealth, and

*Whereas*, it is important that the opinion of the General Court should be expressed upon the subject, in order that the Senators and Representatives of this Commonwealth may be better enabled to understand and give effect to the wishes of their constituents ; therefore,

1. *Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled*, That the passage into a law of the bill for the further reduction of the duties on imported goods, now pending in the House of Representatives of the United States, would prostrate the principal branches of our domestic manufactures, destroy our agricultural enterprize, paralyze our commerce and fisheries, and condemn to bankruptcy and ruin thousands of our most industrious and enterprizing citizens, and materially affect, in the most injurious manner, the prosperity of the whole country.

2. *Resolved*, That it is the usage and the duty of enlightened and prudent Governments, to proceed with

great deliberation in their legislation on all important subjects, and that no greater political evil can well be imagined, than frequent and rapid changes of the laws, especially such as affect the property and industry of the citizens :—that for Congress, after having recently revised the Revenue laws with great consideration, and made a new arrangement of them by an unexpectedly large and satisfactory majority, to take up the subject again before the new law has even gone into operation, and at a short session when the little time at their disposal is plainly insufficient for a careful examination of it, would be a proceeding manifestly at variance with the plainest rules of discretion, and only to be justified by the intervention of some very great change in the political situation of the country.

3. *Resolved*, That since the passage of the law of the last session of Congress, which has not yet gone into operation, no change has occurred in the political situation of the country of a nature to affect the action of the Government upon the subject, except the assembling and acts of the South Carolina Convention, by which that State threatens to secede from the Union, unless the protecting policy be immediately abandoned ; and that these proceedings, far from affording a sufficient motive for new legislation on the subject at the present moment, would form of themselves a strong objection to it ; that no moment could well be imagined less favorable for a cool and dispassionate examination of any general subject, than one in which it should be accidentally embarrassed by a particular incident of a novel, dangerous, and irritating character, and that a prudent, firm, and patriotic Government would on no account expose the great interests of the people to the risk which they would run, by being debated and decided upon in the midst of civil commotions.

4. *Resolved*, That the bill now reported by the Committee of Ways and Means, is not merely an injudicious and impolitic attempt to legislate, under circumstances unfavorable to a calm and cool consideration of the subject, but wears upon the face of it the aspect of submission, and that it grants substantially what South Carolina demands ; that, taking into view, in connexion with its tenor and objects, the manner in which it has been brought forward, and pressed upon the consideration of Congress, it amounts to nothing less than a proposal to sacrifice, and that in a precipitate manner, inconsistent with our ideas of national honor and dignity, the rights and property of twenty-three of the States to the menaces of one.

5. *Resolved*, That while we cannot for a moment anticipate the possibility of the passage into a law of a bill of this description, in a Congress which, within a few months, has, by a large majority, pledged itself to the policy which it is now proposed to abolish, we yet deem it our duty formally to protest against the adoption of the measure proposed, as subversive of the best interests of the country, derogatory to the national honor, and involving a gross and palpable abuse of power in the Government.

6. *Resolved*, That, whilst the people of this Commonwealth, in the spirit of patriotism and of fraternal conciliation, are ready, at all times, to submit to such reasonable changes of national policy, as the deliberate judgment of the whole Country shall require for the common good, they are not bound silently to acquiesce in destructive revolutions in principles and policy, effected by threats of violence, through the forms, but in contempt of the spirit and power of the Constitution.

7. *Resolved*, That our Senators in Congress be in-

structed, and our Representatives requested, to use all the means in their power to prevent the bill, reported by the Committee of Ways and Means, from passing into a law.

3. *Resolved*, That His Excellency the Governor be requested to transmit a copy of these Resolves, with the Report preceding them, to each of the Senators and Representatives of the Commonwealth in Congress, and to the Governors of all the States.

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### CHAP. XIII.

#### *Resolve on the Petition of Nancy Haley.*

January 24, 1833.

*Resolved*, For the reasons set forth in the petition, that Nathaniel Hammond, guardian of John W. Haley, a minor, be, and he hereby is authorized and empowered, either by himself, or together with other persons or corporations interested therein, to make, execute, acknowledge and deliver any deed or deeds of mortgage, for, and in the name and behalf of said John W. Haley, necessary and proper to grant and convey certain land and its appurtenances, in said Boston, in which said John W. Haley is, or may be interested, under, and by virtue of the last will and testament of Lucy H. Bullman, late of said Boston, widow, deceased. *Provided*, that the principal sum of money for which it shall be lawful for the parties interested to mortgage said land and its appurtenances, shall not exceed in amount five thousand dollars :

*and provided also*, that bonds satisfactory to the judge of probate for the county of Suffolk, shall be given, for the faithful appropriation of the money for the purposes named in the petition, and of the rents, profits, and income of said land and its appurtenances, to keep down the interest as it may accrue on said principal sum, (be the same more or less,) and to such gradual reduction and payment of said principal sum, as shall be agreed upon and determined by and between the parties who are, and who may become interested in, and entitled to said land and its appurtenances; and such deed or deeds, so made and delivered, shall effectually, and to all intents and purposes, pass said minor's right, title, interest, and estate in and to said land and its appurtenances, to the mortgagee or mortgagees mentioned therein, and to the heirs and assigns thereof, subject to the right of redeeming the same according to law.

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#### CHAP. XIV.

*Resolve on the Petition of Daniel Fellows, Jr., Guardian of the Chappequiddic Indians.*

January 25, 1833.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Daniel Fellows, Jr., the sum of two dollars per week, for the support of Polly Madison, an Indian of the Chappequiddic tribe, for the term of one year from and after the fifteenth day of January, 1833, if she shall live so long; and that His Excellency the Governor be authorized and requested to draw his warrant accordingly.

## CHAP. XV.

*Resolve for ascertaining and establishing the Boundary Line between Swanzey and Warren.*

January 25, 1833.

*Resolved*, That His Excellency the Governor, by and with the advice of the Council, be, and he is hereby authorized to appoint commissioners, (if in his opinion such appointment be necessary,) whose duty it shall be to ascertain the true boundary line between the towns of Swanzey, in Massachusetts, and Warren, in Rhode Island, and to erect suitable monuments at every angle.

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## CHAP. XVI.

*Resolve upon the Petition of David Stone, Guardian.*

January 25, 1833.

Upon the Petition of David Stone, of Watertown, in the County of Middlesex, Guardian of James F. Stone, William A. Stone, Harriet E. Stone, Ellen L. Stone, and Elmira Stone, minors, and children of Cornelius Stone, late of said Watertown, deceased, for the reasons therein set forth ;

*Resolved*, That the said David Stone, as guardian as aforesaid, be, and he hereby is fully authorized and em-

powered to sell and dispose of, by public sale or private contract, and for and in the name of said minors respectively, to execute, acknowledge, and deliver, any, and all deed or deeds, proper and sufficient to grant and convey to the purchaser or purchasers thereof, all the right, title, interest and estate which the said James F. Stone, William A. Stone, Harriet E. Stone, Ellen L. Stone, and Elmira Stone, have, of, in and to a certain lot of land situate in said Watertown, containing seven acres, two quarters and eleven rods, and bounded and described as follows, to wit: beginning at a stake at the south-westerly corner of Mount Auburn lot, so called, thence running southerly, northerly, and southerly, bounding on land of said minors, to land set off to the widow Abigail Stone, as dower; thence northerly, bounding on said land set off as dower; thence northerly, bounding on land of said minors, to a corner of land of Josiah Coolidge; thence south-westerly, to a corner of Mount Auburn lot; thence southerly and westerly, and bounding on said Mount Auburn lot, to the first mentioned boundary, or however otherwise bounded, in the original petition of the said David Stone, to which, reference is hereby made for further certainty.

*Provided however,* That said minors estate in the above described land shall not be sold by private contract, unless a sale can thereby be effected at a price which shall at least be equal to one hundred dollars for each acre thereof.

*And provided also,* That before the power hereby granted shall be exercised, the said guardian shall give a bond, with sufficient sureties or surety, to the judge of probate for said county of Middlesex, in an adequate penalty, with condition that he shall and will faithfully put out and keep at interest all the net proceeds of such



sale, and will duly account for, and pay over to said James F., William A., Harriet E., Ellen L., and Elmira, respectively, when, and as they shall attain full age, his or her share of the proceeds, with the accumulation, (if any,) caused by the addition of an excess of income beyond the expenditure required for the suitable education and maintenance of said minors, during their respective minorities ; and shall also take, subscribe, and file in the probate office in said county of Middlesex, the oaths which executors and administrators are required by law to take, before making a sale of the real estate of their testators or intestates, under a license from the supreme court, or a court of probate, except as to the mode of sale.

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## CHAP. XVII.

### *Resolve granting Taxes for the several Counties.*

January 25, 1833.

Whereas, the treasurers of the following counties have laid their accounts before the legislature, which accounts have been examined and allowed, and the clerks of the county commissioners, for the said counties, have exhibited estimates, made by said commissioners, of the necessary charges which may arise within their respective counties for the year ensuing, and of the sums necessary to discharge the debts of said counties.

*Resolved*, That the sums annexed to the several counties in the following schedule be, and the same are hereby granted as a tax, for each county respectively, to be

apportioned, assessed, paid, collected, and applied for the purposes aforesaid, according to law, viz.

The county of Norfolk, thirteen thousand dollars,	13,000
The county of Hampshire, six thousand dollars,	6,000
The county of Plymouth, seven thousand dollars,	7,000
The county of Worcester, sixteen thousand dollars,	16,000
The county of Franklin, eight thousand dollars,	8,000
The county of Berkshire, eight thousand dollars,	8,000
The county of Barnstable, four thousand eight hundred dollars,	4,800
The county of Dukes County, seven hundred and fifty dollars,	750
The county of Hampden, six thousand dollars,	6,000
The county of Essex, fifteen thousand dollars,	15,000
The county of Middlesex, fifteen thousand dollars,	15,000
The county of Bristol, sixteen thousand dollars,	16,000

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## CHAP. XVIII.

*Resolve on the Petition of the Selectmen of Belchertown.*

January 26, 1833.

*Resolved,* On the petition of the selectmen of the town of Belchertown, for reasons set forth therein, that His

Excellency the Governor be, and he is hereby authorized to cause Solomon R. Dwight, a lunatic, now in the Mc Lean Asylum in Charlestown, to be removed from thence at the expense of the petitioners to the Lunatic Hospital at Worcester, and there to be received upon the same terms and conditions as if he were taken from any gaol or house of correction.

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## CHAP. XIX.

*Resolve on the petition of Philip Leach, Guardian.*

January 28, 1833.

On the petition of Philip Leach, of Easton, in the county of Bristol, guardian to Almira Leach, minor daughter of Cephas Leach, late of said Easton, deceased, and Horatio Leach, minor son of Jason Leach, late of said Easton, deceased, praying for authority to sell certain real estate of said minors, devised to them by the last will and testament of Shepherd Leach, late of said Easton, deceased, for the payment of the debts of the said Shepherd Leach, to preserve the personal estate of said deceased to be used agreeably to the provisions of said will ;

*Resolved*, For reasons set forth in said petition, that said Philip Leach, guardian as aforesaid to said Almira Leach, and Horatio Leach, and his successor or successors as guardian of said minors, be, and they hereby are severally authorized and empowered to sell and convey, by deed, the remainders of the two undivided sixteenth parts of any of the real estate of which the

said Shepherd Leach died seized, devised to said minors in said last will and testament, of which Phebe Leach, widow of the said Shepherd Leach shall sell her life estate, devised to her in said will, and a majority of those to whom the residue of the remainder is devised in said will shall sell their interest.

*Provided however,* That no sale or conveyance shall be made by virtue of this resolve, before such guardian or guardians shall give bond to the judge of probate for said county of Bristol, with sureties or surety to the satisfaction of said judge, in an adequate penalty, with condition that he or they, in making sale or conveyance by virtue hereof, will have due regard to the interest of the said minors, and will sell no more of the real estate of said minors than is necessary for the preservation of said personal property, and that the proceeds of such sales shall be appropriated to the purpose aforesaid.

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## CHAP. XX.

### MESSAGE.

*To the Honorable Senate,  
and House of Representatives :*

Resolutions of both Houses of the General Assembly of the State of NORTH CAROLINA, disapproving the acts of Congress, imposing duties upon imports for protection, but which unequivocally express a devoted attachment to the Constitution of the United States, and to the Federal Union, and declare " the doctrines of Nul-

lification, as avowed by the state of South Carolina, and lately promulgated in an ordinance, revolutionary in its character, subversive of the Constitution of the United States, and leading to a dissolution of the Union ;”—a preamble and joint resolutions of the General Assembly of the State of INDIANA, in which the doctrines of Nullification, as asserted by the State of South Carolina are repudiated, her Ordinance, and the addresses of her Convention to the people of the State and of the United States, pronounced disorganizing, and in their tendency subversive of the Constitution, and destructive of the liberties of the people ;—and a Report of a Committee of the Senate, and Resolutions thereon, of the General Assembly of the State of DELAWARE, in the former of which the origin and character of the Federal Compact are elaborately discussed, and in the latter, the measures of South Carolina, and her assumptions of reserved political rights are repelled, and pointedly condemned ;—and all which Documents proclaim and maintain the supremacy and sovereignty of the General Government, according to the Constitution, over the right of a State to annul its Federal obligations, and withdraw itself from the Union ; have been officially transmitted to me by the Chief Magistrates of the States respectively, for the purpose which I hasten to execute, in now submitting the same to the consideration of the legislature of this Commonwealth.

LEVI LINCOLN.

*Council Chamber,  
January 31, 1833.*

## CHAP. XXI.

*Resolve making further appropriation for the completion of the building for the residence of the Warden of the State Prison.*

February 4, 1833.

*Resolved*, That His Excellency the Governor, with the advice of the Council, be, and he is hereby authorized and requested to draw his warrant on the Treasurer of this Commonwealth in favor of the Warden of the State Prison, for the sum of three hundred and seventy-six dollars, and twenty-eight cents, to defray the expense incurred in erecting a building for the residence of the Warden, which was not provided for in the appropriation heretofore made for that purpose.

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## CHAP. XXII.

*To the Honorable House of Representatives :*

In compliance with a request in an order of the House of the 9th inst., I herewith transmit authenticated copies of the Returns which have been made to the Executive, by the Corporation of the Proprietors of the Warren Bridge, which embrace all the accounts which have

been rendered in compliance with the requisition in the seventh section of the act of incorporation.

LEVI LINCOLN.

*Council Chamber,*

*February 11, 1833.*

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CHAP. XXIII.

*Resolve authorizing the Treasurer to borrow money.*

February 11, 1833.

*Resolved,* That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to borrow of any of the banks in this Commonwealth, or any corporation therein, or of any individual or individuals, such sum or sums of money, as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the meeting of the next General Court, and that he pay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received in the Treasury.

*Provided however,* That the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of one hundred and fifty thousand dollars.

## CHAP. XXIV.

*To the Honorable Senate, and  
House of Representatives ;*

The sympathies of the community, excited in an unusual degree by a recent melancholy occurrence in this city, have led, through diligent and painful inquiry, to the most astounding disclosures of an extensively prevalent, although hitherto almost unheeded cause of personal and domestic distress, of legal transgression, and of wide spread and overwhelming moral evil. It has been satisfactorily ascertained, that a high handed system of dealing and gambling in Lotteries and Lottery Tickets is now carried on, in this Commonwealth, in despite of the prohibitions of law, in defiance of the vigilance of the prosecuting officers, and in utter disregard of the inflictions of the tribunals of justice. A highly respectable Committee of an Association of Citizens in the Metropolis, have, with the most commendable spirit, directed their attention to endeavors to arrest the frauds and mischiefs of this demoralizing traffic ; and, in furtherance of their object, have addressed to me, in my official capacity, an earnest and impressive memorial on the subject. They represent, that *Tickets of Lotteries granted in other States are openly sold in this ; that Tickets are manufactured in fictitious Lotteries ; and halves and quarters of Tickets, representing the same number, are multiplied indefinitely, both in real and pretended Lotteries, and these indiscriminately and successfully, to an immense amount, imposed upon ignorant and deluded purchasers.*



The influence of such schemes of deception to allure the laborious poor from the path of honest industry, and to cheat them of their hard earned wages, to entice the young and the unreflecting from their fidelity, and betray them into a violation of their trust, and the commission of heinous crimes, cannot be doubted, while the desolating and fatal effects upon the social relations of life, are scarcely less to be deplored. The memorial proposes that measures should be taken, through the Legislature, or otherwise, to induce, in all the States of the Union, *the absolute and entire abolition of Lotteries.*

Deeply sensible to the nature and magnitude of the evil practices which are thus found to be indulged, to an unlooked for extent, I but obey a dictate of public duty in respectfully submitting the memorial and the matters which it respects, to your consideration. The existing law for the restraint of Lotteries, I deem wholly inadequate to the purpose for which it was enacted. By the Statute of 1825, chapter 184, the penalty for advertising or selling any Lottery Ticket or Tickets, or drawing or aiding or assisting in drawing any Lottery, or being concerned in the management or conducting of any Lottery, not authorized by the laws of this Commonwealth, is a fine, *not exceeding* one hundred dollars for each offence, so that the imposition of any sum, however small, may be a satisfaction of the forfeiture created by the statute. It is well understood, that the gains of many of these lawless manufacturers and venders of Lottery Tickets are as immoderate as their trade is vicious. In a recent exposition, made under the most respectable authority, of a similar traffic, in a city of a sister State, it is stated to have been ascertained, that an Officer of a Banking Institution, who had been detected in abstracting from the bank divers sums of money, "was found to be in

possession, in tickets and parts of tickets in various Lotteries, of *two thousand three hundred and twenty seven* chances, which, after having been all drawn, and examined, by order of the Bank, produced *less than Twenty Dollars.*” Another case of a Bankrupt is given, whose accounts exhibited an aggregate of \$80,000 drawn by him in Lotteries at different periods, while his expenditure for Tickets amounted to the sum of \$120,000, and he was then insolvent \$70,000. Again it is stated, that the adventurers in a single Lottery, in the same city, suffered a loss of nearly One Hundred Thousand Dollars, which, of course, must have gone to the managers and venders of the Lottery. When such are the results, the occasional exaction of a small fine, especially taking into consideration the chances of escape from conviction of the offence, has little effect to prevent its commission. While no disgrace attaches to the punishment, the trifling loss of money by the forfeiture is disregarded in the general profit of the trade. Indeed the very character of the penalty induces but to an indifferent estimate of the nature of the transgression. If it does not serve to palliate the crime in a moral point of view, it does little to rebuke it by any public admonition of its heinousness. In what respect does the fabrication of Tickets in schemes of unlicensed or pretended Lotteries, differ from the grossest act of Counterfeiting; or the unlimited multiplication and sale of parts of Tickets, beyond whole numbers, constitute a more venial fraud than the uttering of spurious bank paper? I humbly submit, that these acts, wilfully committed, should be ranked in the same class of offences, and that imprisonment and infamy should be denounced by the violated law, against the perpetrators of the felony.

Permit me earnestly to commend the subject to your

investigation, and to suggest the expediency of a revision of the existing Statute, with a view to new provisions, which shall reach the extensive and complicated frauds which are represented to be now so recklessly practised, in all the ramifications, through which the ingenuity of depraved men has sought to conceal the pursuit of an unlawful business, and to protect themselves in the enjoyment of iniquitous gains, to the waste of the morals, property, and oft times, the lives of their fellow men. When we shall ourselves have adopted all such measures as may promise effectually to restrain the enormity at home, we can, with better propriety, appeal to other States for their co-operation, in producing a more general and lasting reform.

LEVI LINCOLN.

*Council Chamber, February 12, 1833.*

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CHAP. XXV.

*Resolve on the Petition of Eliza White.*

February 13, 1833.

On the petition of Eliza White, Administratrix of the Estate of Joseph White, junior, late of Salem deceased, and Mother and Guardian of Charlotte White, a minor daughter of the said White.

*Resolved*, That the said Eliza White be, and she hereby is authorized to sell, at public auction, all the right, title and interest of the said minor in and to a messuage in

Salem, in the County of Essex, situated on Brown and William streets, and described in a deed dated March 10, 1810, and recorded in the registry of deeds for the said County, book 190, leaf 1. Also, half of a dwelling house and land in Salem, situated on Essex street, and described in a deed dated November 26, 1813, and recorded in the same registry of deeds, book 201, leaf 238. Also, half of a store, wharf and land situated in Beverly, in the said County, near Essex Bridge, and described in a writ of possession issued by the Supreme Judicial Court, at Salem, November Term, 1811, in favor of the said Joseph White, junior ; and the said Eliza White is further authorized to make, execute and deliver good and sufficient deeds of conveyance of the said lands and tenements, which shall be valid in law to pass all the right, title and interest of the said Charlotte White in the same : *provided*, that the said Eliza White shall first give bond to the Judge of Probate for the County of Essex, that she will pay over and distribute the proceeds of sale of the said real estate, to and among the heirs at law of Francis L. A. Bissell, formerly of Salem, merchant, deceased, or to their respective executors, administrators or assigns, in the same proportions as a like amount of the personal assets of the said Bissell would have been distributed,— *and provided also*, that the said Eliza White give public notice of the time and place of such sale or sales, by advertising the same in some newspaper printed in the County of Essex, at least three weeks successively before the time appointed therefor.

## CHAP. XXVI.

*Resolve on the Petition of Aaron Brooks, junior.*

February 13, 1833.

*Resolved*, For the reasons set forth in said petition, that the sum of one hundred and sixty-nine dollars and sixty-nine cents be paid out of the treasury of this Commonwealth, to Aaron Brooks, junior, for money paid and services rendered by him, as Judge Advocate of the sixth division of the Militia of the Commonwealth, in the prosecution of suits for the recovery of fines imposed upon Aaron Adams, junior, William Graham, Elisha P. Cook, George W. Cowee and Luther Alden, by a Court Martial for said division, holden in March, A. D. eighteen hundred and thirty; and that His Excellency the Governor be authorized and requested to draw his warrant accordingly.

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## CHAP. XXVII.

*A Resolve on the Petition of the County Commissioners of Middlesex County.*

February 16, 1833.

*Resolved*, For reasons set forth in the petition of the County Commissioners of Middlesex County, that the

Sheriff of said County cause one Patrick Molloy, now confined in the Gaol at Concord, to be removed to the Lunatic Hospital in Worcester, in the same way and with the same preparations as he would have been, had he been confined in said gaol pursuant to the Statute of one thousand eight hundred and sixteen, chapter twenty-eight.

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### CHAP. XXVIII.

*Resolve in behalf of the Trustees of the New England Asylum for the Blind.*

February 16, 1833.

*Resolved, by the Senate and House of Representatives in General Court assembled, That there be paid out of the Treasury of the Commonwealth, to the Trustees of the New England Asylum for the Blind, the sum of six thousand dollars annually, in quarterly payments, the first payment to be made on the first day of April next, and the subsequent payments upon the first day of each successive quarter, and the whole to continue during the pleasure of the Legislature, and no longer. Provided, that, in consideration of said sum of six thousand dollars, and of a former existing grant of the unexpended balance, from year to year, of the appropriation for the deaf and dumb, the said New England Asylum shall receive, board, lodge and educate twenty poor persons belonging to the State, to be placed there, under the direction of the Governor and Council, and to be dismis-*

sed from the Asylum by the same authority ; and if more than twenty shall apply for admission, that number shall be selected by lot from all the applicants who are poor, and within the prescribed ages : *and provided further*, that no individual, under the age of six years nor over the age of twenty four years, shall be placed in said Asylum by said authority, nor any person who shall be excluded by the standing by-laws of the Asylum.

*Be it further resolved, by the authority aforesaid*, That the Governor, by and with the advice and consent of Council, be, and he hereby is requested to draw his warrant upon the Treasurer of the Commonwealth, for the benefit of the said Asylum, for the same sums, and payable at the same times, as are mentioned in the preceding Resolve.

## CHAP. XXIX.

*Resolve on the petition of George Robinson.*

February 16, 1833.

*Resolved*, For the reasons set forth in said petition, that the sum of thirty-eight dollars be paid out of the Treasury of this Commonwealth to George Robinson, for services rendered by him as constable, at a court martial ordered in March last, for the trial of Lt. Col. G. T. Winthrop, and that His Excellency the Governor be authorized and requested to draw his warrant accordingly.

## CHAP. XXX.

*Resolve on the Petition of Moses Adams 2d, administrator of the estate of Aaron Adams, deceased.*

February 18, 1833.

*Resolved*, That, for the reasons set forth in said petition, Moses Adams 2d, administrator of the estate of Aaron Adams, late of Medway in the county of Norfolk, be, and he hereby is authorized at any time within two months after the passing of this Resolve, to make and file in the probate office, in said county of Norfolk, his affidavit, setting forth the time, place and manner in which he gave notice of the sale of certain real estate of said deceased, situated in said Medway, and in Holliston, and which he, the said Moses, was licensed to sell by virtue of an order from the probate court, holden at Dedham, within and for the county of Norfolk, on the fourth day of April, in the year of our Lord one thousand eight hundred and twenty six, and such reasonable notice being given to all persons interested in such real estate, as the said judge shall order to appear and shew cause, if any they have, why such affidavit should not be filed as aforesaid, and no such person interested as aforesaid appearing and shewing good cause to the contrary, such affidavit, being so filed, shall be evidence of the time, place and manner in which such notice of sale was given, and be as effectual for all purposes, as if the same had been made and filed in said probate office, within the time prescribed by law.



CHAP. XXXI.

*Resolve on the Petition of Samuel Bartlett and others.*

Februrury 19, 1833.

On the petition of Samuel Bartlett, of Richmond, in the county of Berkshire, executor of the last will and testament, and devisee of Deborah Bartlett, late of said Richmond, deceased, and Hubbard Bartlett, of Lee, in said county, and John Bartlett, of Guilford, in the county of New Haven, and state of Connecticut, also devisees of said Deborah Bartlett, praying for authority to be given to said Samuel Bartlett, to sell a certain piece of land situate in said Richmond, devised by said Deborah, as set forth in said petition, and to invest the proceeds in other lands situated in said Richmond ;

*Resolved*, for reasons set forth in said petition, that the said Samuel Bartlett be, and he is hereby authorized and empowered to sell at public or private sale, and to execute good and sufficient instruments of conveyance thereof, the piece or parcel of land named in said petition, situate in said Richmond, containing about ten acres, bounded as follows: westerly by the highway, running northerly past the dwelling-house of said Samuel, northerly by land now occupied by Luther Salmon, easterly by land owned by Jacob Chamberlain, and southerly by land of Hiram Norton. *Provided*, the said Samuel Bartlett shall first give bond with sufficient sureties to the judge of probate for the county of Berkshire, that the full proceeds of said real estate shall be invested as

soon as may be, in other real estate in said town of Richmond, for the same uses and purposes as the land hereby authorized to be sold.

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## CHAP. XXXII.

*To the Honorable Senate, and  
House of Representatives ;*

I have received, by the last mails, communications from the several Governors of the States of Virginia, New Jersey, and Delaware, transmitting Resolutions, expressing the sentiments of the Legislatures of those States respectively, the two former, in relation to the proceedings of South Carolina, in the adoption of her Ordinance of Nullification, and the measures of her State authorities pursuant thereto, and in reference to certain powers of the General Government under the Constitution, and the latter declaring a dissent to the proposition of South Carolina for a convention of the States, “to consider and determine such questions of disputed power as have arisen between the States of this Confederacy and the General Government ;” also other Resolutions adopted by the General Assembly of the State of Delaware, recommending the passage of a law by Congress, providing for a more perfect and uniform organization of the militia of the several States—all which Documents the Secretary of State will herewith lay before you, as they were intended for your notice and consideration.

LEVI LINCOLN.

*Council Chamber,  
February 25, 1833.*

CHAP. XXXIII.

*To the Honorable Senate, and  
House of Representatives ;*

I transmit a communication from the Governor of Maine, with an accompanying Resolution of the Legislature of that State, proposing the concurrence of the Government of this Commonwealth, in the deposit of the Records of the doings of the Commissioners, appointed pursuant to "an Act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State," and of the surveys made by their order, with the journals, documents, and papers, relating to their proceedings, in the Land Office of the State of Maine, in the State House in Augusta, to be there safely kept under the care of the Land Agents of Massachusetts and Maine, and subject to the joint order of the two States.

LEVI LINCOLN.

*Council Chamber, February 25, 1833.*

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CHAP. XXXIV.

*Resolve on the Petition of William A. F. Sproat.*

February 25, 1833.

*Resolved,* That the sum of two hundred and twelve dollars and fifty cents, be paid out of the Treasury of

this Commonwealth, to William A. F. Sproat, for his services as Register of Probate in the County of Bristol, for three months, in the year eighteen hundred and thirty-two, under an appointment by the Judge of Probate of said County; and that his Excellency the Governor be authorized and requested to draw his warrant accordingly.

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### CHAP. XXXV.

*Resolve in favor of sundry Persons for services rendered in superintending the repairs of the State House.*

February 26, 1833.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to Benjamin Russell, the sum of eighteen dollars, to Nathaniel Hammond, the sum of thirty-six dollars, and to Lot Pool, the sum of thirty-six dollars, and His Excellency the Governor is hereby requested to draw his warrant accordingly.

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### CHAP. XXXVI.

*Resolve to amend "a Resolve in behalf of the Trustees of the New England Asylum for the Blind."*

February 28, 1833.

*Resolved*, That the Pupils to be placed for education in the New England Asylum for the Blind, conformably

to the provisions of the Resolve to which this is additional, shall be placed there, and be dismissed therefrom, under the direction of the Governor of the Commonwealth, any thing in the Resolve to which this is additional to the contrary notwithstanding.

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## CHAP. XXXVII.

### *Resolve on the Petition of John Pickering.*

March 1, 1833.

*Resolved*, For the reasons set forth in said petition, that the petitioner be, and hereby is empowered to sell, either by public auction or private contract, as he shall think best for the parties interested, and to execute a good and sufficient deed or deeds to convey a certain real estate in Lynn, in the county of Essex, consisting of the Farrington Farm, so called, which was formerly conveyed by Newell and others to Joseph White, late of Salem, in said county of Essex, deceased, and comprising a dwelling house, stable, and other buildings, and the land under and adjoining, and being the same as late called and known by the name of Brookvale, containing about fifty acres, with the appurtenances ;—the proceeds of such sale to be invested either in real estate within the city of Boston, or in stocks, funds, or other good securities, or partly in such real estate and partly in such stocks, funds, or other securities, as shall be most beneficial for the parties interested.

*Provided*, That the said Pickering shall first give bond, with sufficient surety or sureties, to the judge of probate

of the county in which said real estate lies, conditioned for the faithful sale of said real estate, and the appropriation and management of the proceeds thereof, for the interests of said White and his children, and according to the rules of law.

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## CHAP. XXXVIII.

*Resolve on the Petition of William Sutton, and Ebenezer Sutton.*

March 1, 1833.

*Resolved*, For reasons set forth in the said petition, that Abner Sanger, of Danvers, in the county of Essex, in his capacity of executor of the last will and testament of Ward Pool, late of said Danvers, deceased, and as trustee, in and by virtue thereof, be, and he hereby is authorized and empowered to make, execute and deliver to the said William and Ebenezer Sutton, a good and sufficient deed of release of all the right, title and interest which the said Pool, at the time of his decease, had, in and to a piece of land situated in Andover, in said county of Essex, containing about seven acres, and bounded by the new road leading from Andover bridge to the Boston road, by the road leading from Marston's ferry, and by land of Timothy Abbott, of which described land the said Pool was then seized by virtue of the levy of an execution thereon, against one Samuel Ayer; the said conveyance to be made in conformity with, and in pursuance of the terms of an agreement therefor, entered into between the said Ward Pool, and William Sutton,

late of said Danvers, deceased, of whom the said William and Ebenezer are the sole heirs at law, and bearing date August the first, A. D. 1828.

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## CHAP. XXXIX.

*Resolve for the publication and distribution of the Report on the Geological Survey of the Commonwealth.*

March 2, 1833.

*Resolved*, That His Excellency the Governor, be and hereby is authorized to cause twelve hundred copies of the report on the geological survey of the Commonwealth, including that part of the report already made, as well as the part hereafter to be made, with the drawings which shall accompany said report, to be published, in such way and manner as he shall deem proper and expedient; and he is authorized, with the advice and consent of council, to draw his warrant upon the treasurer of the Commonwealth for such sum or sums as may be necessary to carry this resolve into full effect.

*Resolved*, That the said twelve hundred copies, when published, be delivered to the secretary of the Commonwealth, to be distributed in the following manner, viz :

Twelve copies to the Governor,

Six copies to the Lieut. Governor,

One copy to each member of the Council, Senate, and House of Representatives,

One copy each to the Secretary, Treasurer, and to each of the Clerks and Chaplains of the two Houses,

One copy to each town in the Commonwealth,

Five copies to be deposited in the library of the State,  
Two copies each to Harvard, Amherst, and Williams' Colleges,

One copy each to the Theological Seminaries at Andover and Newton,

One copy to each incorporated Academy in the Commonwealth,

One copy each to the Boston and Salem Athenæums,

One copy to the American Academy of Arts and Sciences,

One copy to the Antiquarian Society at Worcester,

One copy to the Massachusetts Historical Society,

One copy to the Boston Society of Natural History,

Twenty copies to the Geological Surveyor, and one copy to each person who shall have aided him in preparing the catalogues appended to the report,

Two copies to the Library of the United States,

One copy to the Executive of each State in the Union,

And the remaining copies to be disposed of in such manner as His Excellency the Governor shall direct.

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## CHAP. XL.

*Resolve for Warming the Fire Proof Building which contains the Public Archives.*

March 5, 1833.

*Resolved,* That the Secretary of the Commonwealth be, and he is hereby authorized, to take such measures as may be necessary for warming the fire proof edifice, recently erected on the northerly front of the State House.



And the Governor is requested to draw his warrant on the Treasury for such sum or sums as may be necessary to defray the expense thereof.

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## CHAP. XLI.

*Resolve authorizing the Land Agent to make sales of Public Lands in Maine.*

March 5, 1833.

*Resolved*, That the Land Agent of this Commonwealth be, and he is hereby authorized and empowered to continue the sales of the public lands in the State of Maine, belonging to this Commonwealth, either at public or private sale, and at such time and place, and upon such conditions, either in whole or in quarter parts, as he may judge will be most for the interest of this Commonwealth, and convey the same by good and sufficient deeds: *provided, however*, that the aggregate of sales authorized by this resolve, shall not exceed, this year, the number of six townships.

## CHAP. XLII.

*Resolve on the Petition of Edward B., and Sarah A. Huntington, for authority to sell and convey certain Real Estate.*

March 7, 1833.

*Resolved*, For the reasons set forth in said petition, that Edward B. Huntington, of the city of New York, in the state of New York, the husband of Sarah A. Huntington, a minor, be, and he is hereby authorized and empowered to sell at private or public sale, the one undivided quarter part of a certain piece of land with a dwelling house standing thereon, situate in Poplar street, in the city of Boston, bounding and measuring as follows, viz. : southerly on said Poplar street, twenty feet ; easterly on land of Michael Roulstone, fifty-two feet ; northerly on land of Oliver Wiswall, twenty feet ; and westerly on land of said Wiswall, fifty-two feet, with all the privileges thereto belonging—being the same that descended to the said Sarah A. on the death of her late mother Susan Huntington : and to make and execute a good and sufficient deed thereof to the purchaser or purchasers.

## CHAP. XLIII.

*To the Honorable Senate, and  
House of Representatives ;*

The Civil Engineer, in the Service of the State, employed in the Trigonometrical Survey of the Commonwealth, having, in compliance with the requisition of the Executive, prepared a connected detailed Memoir of his operations, the last season, and of the preparation for the further prosecution of the work, the same is herewith presented for your examination. The transmission of this paper is also accompanied by various other Documents, having relation to the direction of the business of the Survey, and, in connexion with the communications heretofore made, will put the Legislature in possession of all the information, which can be afforded by this Department, in respect to the past conduct and present state of this highly important concern.

The accounts of the Engineer have been settled, in the Executive Council, to the 1st of February last. Owing to the favorable state of the weather, during the early winter, the operations of the field were advantageously continued much longer than had been anticipated. Hence the expenditures have been made to exceed the appropriations for the season. The excess will appear from the report and advice of Council thereon, a copy of which is herewith submitted. An Estimate, by the Engineer, for the ensuing season, will likewise be found among the papers.

The Legislature will also permit me to call their attention to two Letters from Robert T. Paine, Esq.,

who has undertaken to make the necessary Astronomical Observations for fixing the latitude and longitude of some principal places, within the state, in reference to the final projection of the map. Some further appropriation will be required to meet his contemplated services the coming year.

In connexion with the general object, the attention of Professor Hitchcock will be somewhat further required in completing his Report for publication, and preparing the Indices, and also perfecting his collection of specimens, with their descriptive labels and references. A communication from him on this subject, with an estimate of the proper compensation, is therefore submitted.

Col. Stevens, the Civil Engineer, has been directed to report himself here, with his Field Books, for the purpose of affording, to a Committee of the General Court, such explanations, in relation to the matter of his various Reports, and the character and progress of the work in which he is engaged, as may be desired. He will await your pleasure, for this purpose, and I respectfully invite such inquiries, on the subject, as shall satisfy the Legislature of his ability and fidelity in the task to which he has been assigned.

LEVI LINCOLN.

*Council Chamber,*  
*March 8, 1833.*

## CHAP. XLIV.

*Resolve on the Petition of Chauncy Hastings and others, to furnish the Haverhill Light Infantry Company with Fire Arms.*

March 8, 1833.

*Resolved*, For reasons set forth in said petition, that the Adjutant and acting Quarter Master General, be, and he hereby is authorized and directed to furnish the Haverhill Light Infantry Company, of the third Regiment, second Brigade, and second Division, of Militia of this Commonwealth, with sixty-four muskets and bayonets, from the Quarter Master General's Department ; and said Light Infantry Company is authorized to hold and use said muskets and bayonets, subject however to be returned to said Quarter Master General's department, when called for by the Quarter Master General.

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## CHAP. XLV.

*Resolve for the Pay of the Clerks of the General Court.*

March 9, 1833.

*Resolved*, That there be paid out of the treasury of this Commonwealth to the Clerk of the Senate, eight dollars per day ; to the Clerk of the House of Represen-

tatives ten dollars per day ; and to the Assistant Clerk of the Senate six dollars per day, for each and every day's attendance they have been, or may be employed in that capacity during the present session of the Legislature ;—and that there be further paid to the Clerk of the Senate and the Clerk of the House of Representatives, one hundred dollars each, for copying the Journals for the Library, as required by the orders of the two branches of the Legislature. And His Excellency the Governor, with advice and consent of Council, is requested to draw his warrant accordingly.

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#### CHAP. XLVI.

##### *Resolve on the Petition of the Inhabitants of the Plantation of Ervings Grant.*

March 11, 1833.

*Resolved*, For the reasons set forth in said petition, that the county commissioners of the county of Franklin, be, and they hereby are authorized to support and repair, at the expense of said county, from time to time, as often as may be necessary, so much of the highways and bridges within the limits of said Ervings Grant, as, in their opinion, the circumstances of the case and the public good may require ; and may also appoint an agent, if they see cause, to superintend said repairs, and render to said commissioners an account thereof.

CHAP. XLVII.

*Resolve for the purchasing of Cobb's Manual on the growth of the Mulberry Tree and the Culture of Silk.*

March 11, 1833.

*Resolved*, That the Secretary of the Commonwealth be authorized to purchase eighteen hundred copies of Cobb's Manual on the growth of the Mulberry tree and the culture of Silk : *provided*, that the whole amount of said purchase shall not exceed the sum of three hundred dollars.

*Resolved*, That each member of the Legislature shall be furnished with one copy, and each town in the Commonwealth with three copies of said Manual, and the remaining copies shall be disposed of as His Excellency the Governor shall direct.

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CHAP. XLVIII.

*Resolve on the Petition of Isaac Newton, 2d, and others.*

March 11, 1833.

*Resolved*, For the reasons set forth in said petition, that the county commissioners for the county of Franklin, in addition to the sum authorized by a resolve of this Legislature, on the petition of Eliel Gilbert and others, passed the 5th day of February, A. D. 1820, be, and

they hereby are authorized and empowered to grant and allow, for the purposes specified in said resolve, such sum or sums of money, from time to time, as they may think proper, not exceeding one thousand dollars in all ; and may also appoint an agent, if they see cause, to superintend the expenditure of all monies so granted, and render to the said commissioners an account thereof.

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## CHAP. XLIX.

### RESOLVES

*In relation to the proceedings of the Convention of South Carolina.*

March 11, 1833.

The Joint Select Committee, appointed to consider so much of the Governor's Address as relates to the proceedings of the late Convention of the people of South Carolina, and the purposes and policy thereof : and to whom have been referred Resolutions of the States of Pennsylvania, New Hampshire, Illinois, North Carolina and Delaware upon that subject, have attended to the duty assigned them, and beg leave to submit the following Report :

In the partial Report which they have already submitted, the committee have stated in general terms the character of the proceedings of the late Convention of the people of South Carolina ; and the subject is now so familiar to the public, that it does not seem necessary to enter very fully into a recapitulation of facts. It is generally known that this convention, which appears to have



been assembled agreeably to the forms prescribed by the Constitution of the State, met at Columbia on the 22d of last November :—that almost immediately after, and with very little deliberation, it proceeded to pass an Act, denominated an Ordinance, declaring null and void all the laws of the United States which impose duties upon the importation of foreign goods, particularly those of the 19th of May, 1828, and the 14th of June, 1832 ; prohibiting the execution of them within the State of South Carolina, and making it the duty of the Legislature to pass such laws as should be necessary to give full effect to the Ordinance, and to prevent the enforcement and arrest the execution of the laws aforesaid :—that the Legislature, at a session subsequent to the meeting of this Convention, has in fact passed certain laws for these purposes, which were to go into operation on the first day of this month, and which, if executed, must bring the constituted authorities of the United States and of South Carolina, into open collision.

The papers in the hands of the committee include a printed copy of this Ordinance of the convention, transmitted by its order to His Excellency the Governor, and also printed copies of a long report of the committee which drafted the Ordinance, and of addresses in the name of the convention to the people of the United States and of South Carolina. These documents undertake to justify the proceedings of the convention, on the ground that the duties on the importation of foreign goods were laid, in part, at least, for the purpose of protecting domestic industry : that the General Government is not invested by the constitution with the power of laying duties for this purpose, and that, whenever the General Government assumes powers which, in the opinion of any one of the States, are not given to it by the constitu-

tion, the State which entertains this opinion may, without violating the constitution, declare the act by which the power so assumed has been exercised, null and void, and prevent the execution of it within its limits. It also appears to have been supposed by the Convention, that on the adoption of such measures by any one State, it would become the duty of the General Government to suspend the execution of the law complained of, at least within the limits of the complaining State, and to apply to the people in the form prescribed for amending the Constitution, for a grant of the power supposed to have been unconstitutionally assumed:—that, if the power should on this application be refused by the people, it would be the duty of the General Government definitively to repeal the law by which it had been exercised, and that if, on the contrary, it should be granted, it would then become the duty of the complaining State to acquiesce. There seems, however, to be some uncertainty in the views of this part of the subject entertained by that portion of the citizens of South Carolina upon whom the responsibility for these measures rests: as the Legislature of the State, instead of leaving it to the General Government to propose to the people in the form prescribed for amending the Constitution a grant of the power of laying duties upon the importation of foreign goods, have themselves, at their late session, passed resolutions, proposing to the other States to hold a Convention for the purpose of settling this and other questions which they consider as doubtful.

It is affirmed, in these addresses and reports, that the laws of the United States, imposing duties upon the importation of foreign goods, thus declared to be null and void, are exceedingly burdensome and oppressive to the people of South Carolina. This proposition is not made

out by the statement of any facts which tend to prove the existence of actual distress; and it is remarkable that the Governor of South Carolina, in his address to the Legislature, at the opening of their late session, congratulates them upon the extraordinary prosperity of the State. The Convention attempt to maintain their assertion of the ruinous tendency of the impost laws, by laying down certain abstract principles in political economy, which are very paradoxical, and as the Committee believe, entirely erroneous. It is unnecessary, however, for the purpose of the present report, to enter upon a particular examination of these doctrines, because the justification of the proceedings of South Carolina does not after all depend in any degree upon the question of their truth or falsehood. Whatever may be the real operation of the impost laws upon the peculiar interests of that State,—were it as unfavorable as the Committee believe it to be beneficial and salutary, it is admitted that the State would have no right to seek redress in the form in which it is now sought, unless the enactment of these laws involve an assumption by the General Government of powers not granted by the Constitution. No abuse of constitutional power, however glaring and intolerable, would, on the theory of the Convention, justify a resort to nullification.

The question of the real operation of the impost laws upon the prosperity of South Carolina, may therefore be laid entirely out of the case. Nor, although the justification of the proceedings of the Convention is to be sought, on the ground taken by that body, in the supposed unconstitutional character of these laws, do the Committee deem it important for the present purpose to inquire particularly how far this obligation is well founded. Entertaining, themselves, no doubt whatev-

er, that the power of laying duties on imported foreign goods, with a view to any appropriation of them which, in the discretion of the Government, may be required by the common defence and general welfare, is given by the Constitution, the Committee are also persuaded, that were this a doubtful point, or were it even conceded that the General Government has no such power, the proceedings of South Carolina would not, on that account, be any the more defensible. The objection to them is, that they propose an unconstitutional and illegal method of obtaining relief from a supposed political grievance. It is therefore unnecessary to inquire, whether this grievance be real or imaginary, since the objection, if substantiated, is equally valid in either contingency.

Omitting, therefore, any consideration of the expediency or constitutionality of the laws imposing duties on imported foreign goods, the Committee will confine themselves to the single enquiry, how far the proceedings of the Convention of South Carolina are consistent with the Constitution and Laws of the Country? Even in this restricted shape, the subject is far too extensive to be examined, in a full and satisfactory manner, within the limits assigned by usage to a document of this kind. The Committee can only undertake to present a few of the considerations that bear most strongly and obviously upon the leading points of the argument.

The suggestion that would probably first occur to an impartial mind, on examining the account of these proceedings, is the apparent want of consistency and precision in the reasoning and conduct of the Convention, admitting even the correctness of the general principles on which they profess to act. It would be natural to expect, that in a case of so novel a character, and of such

extraordinary interest and importance, every step would be carefully guarded, and no conclusions drawn, which did not follow, in the strictest manner, from their supposed premises. This, however, is far from being the case. The Committee have already remarked the difference between the theories of the Convention and the Legislature, as to the second step in the process of nullification. While the Convention appear to suppose that after a State has annulled an Act of Congress, it becomes the duty of the General Government to apply to the States for a grant of the disputed power, the Legislature have addressed themselves directly to the States, and proposed a convention. The want of consistency in the texture of the Ordinance, is not less apparent. The whole reasoning of that Act, and the accompanying papers, supposes that the right of a State to annul an Act of Congress, can only exist in the case of an assumption, by that body, of powers not delegated by the Constitution ; and for the purpose of bringing the impost laws within this rule, the Convention attempt, at great length, to prove that they do, in fact, involve such an assumption. Thus far their conduct, if not justifiable, is consistent ; but after first annulling the tariff laws, the Convention proceed, in open defiance of their own rules and reasoning, to annul an important provision of another law, which has never been regarded by any one as unconstitutional, and which the Convention themselves do not even pretend to represent as being so. While the Judiciary Law gives the right of appeal from the State Courts to the United States, in all cases involving any question of the validity of an Act of Congress, the Ordinance prohibits any such appeal in all cases involving any question of the validity of the Acts of Congress which it professes to annul. This is done without even

the ceremony of affirming, or attempting to prove, that this provision of the Judiciary Act involves an assumption of power not delegated by the Constitution.

This feature in the Ordinance renders it, perhaps, in some degree, superfluous to examine the reasoning by which the Convention undertake to justify its leading provisions. If they can venture to annul one Act of Congress, without even pretending to assert that it is unconstitutional, it is not easy to see why they should be at so much pains to make this out, in regard to another, before they subject it to the same process: nor does it seem to be very necessary to inquire, how far they succeed in establishing this proposition, when their proceedings so clearly shew, that if it be necessary to their argument, it is in no way necessary to their action. But without enlarging upon this consideration, the Committee will proceed to examine, very concisely, the nature of the reasoning by which the Convention undertake to prove, that any one State has a right to annul an Act of Congress, which, in the opinion of such State, involves an assumption of power not delegated by the Constitution. The substance of the argument is understood to be as follows.

The Constitution is a compact between the States, which were, at the time of forming it, and are now, distinct communities, politically independent of each other. It confers, on the General Government, certain specific powers, and the assumption by that Government of any power not so delegated is a breach of the compact. But in this, as in all other cases of compacts or treaties between independent States, a breach of the compact by one party, exempts the rest from the obligation they were under to observe it: and each is, of course, the

only judge for itself, whether the compact is or is not observed.

Or, in still more concise language :

The States were independent of each other at the time when they formed the Constitution ; therefore they are independent of each other now.

This argument appears to the Committee to be defective in both its parts. It is far from being a settled and acknowledged point, that the States can fairly be considered as having been absolutely independent of each other at the time when the present Constitution was formed ; and if this were even admitted, it would by no means follow, that they possess, and may exercise, under the Constitution, and consistently with it, the rights belonging to mutually and absolutely independent States.

1. It is far from being a settled point, that the States can fairly be considered as having been absolutely independent of each other at the time when the Constitution was formed and adopted. It is well known, that this is a question upon which the ablest statesmen and purest patriots in the country have differed, and at this moment continue to differ, in opinion. The President of the United States, in his late proclamation upon the subject of the proceedings of South Carolina, expressed his belief, that the Acts of Union which preceded the Declaration of Independence, had combined the States into ONE PEOPLE, and that it was in their joint capacity as such, that they formed the Constitution. His predecessor has publicly professed the same sentiment. On the other hand, Presidents Jefferson and Madison, with various other citizens of the highest respectability, many of whom had concurred in the forming of the Constitution,

consider the States as having been, from the time of the Declaration of Independence, until the adoption of the Constitution, distinct communities, entirely independent of each other.

This diversity of views, among individuals of equal talent and unsuspected integrity, will not appear very extraordinary, when it is recollected that, during the period in question, the country was in a revolutionary state. Its condition was analogous to that of England during the interval between the overthrow of the arbitrary government of the Stuarts and the settlement of the Constitution in 1688 ; or that of France, between the destruction of the old monarchy in 1789, and the final sanction of the present charter, after the three great days of July 1830. In both the cases alluded to, it is well known, that political institutions, of various and opposite characters, rapidly succeeded each other, and that neither country could be said, with propriety, to possess a regular and settled government. They were in a state of transition from one form of political existence to another, and this was substantially the condition of the United States from the Declaration of Independence until the adoption of the Constitution. It was not only a natural, but, as the Committee conceive, a necessary result of this condition, that political events of different and even contradictory characters, should successively occur, and that individuals, as they have been led, by circumstances, to attach greater or less importance to one or another of these events, should draw different conclusions as the existing forms of government. On the one hand, the States acted, for many purposes, as distinct communities, claiming to be politically independent of each other ; while, on the other hand, they organized a Union among themselves, with a Congress of Delegates at the



head of it, who exercised most of the powers of a General Government. It would, perhaps, be difficult to reconcile all the acts and powers of Congress and the State Governments at that time, with any consistent and precise political theory ; and the failure of the experiment tends to confirm the opinion, that the elements which entered into the structure of the old confederacy were incoherent and self-contradictory. The Committee are inclined to believe, as they have already remarked, that the future historian will consider the whole period in question as a a revolutionary one, and the form of the government as unsettled and fluctuating, until it was finally fixed, for the first time, by the adoption of the present Constitution.

2. But the Committee deem it unnecessary to dwell upon this point, since, were it even admitted that the States, at the time when they formed the Constitution, were distinct communities, politically independent of each other, it would by no means follow, as the Convention of South Carolina appear to suppose, that they are still in that condition, and that the Union is a League or Confederacy of mutually and absolutely independent States. The rights and obligations of the parties to a contract are determined by its nature and terms, and not by their condition previously to its conclusion. As respects the latter point, the only question is, were the parties legally, or in cases when they are not subject to a common government, morally capable of making such a contract ? If this question be answered in the affirmative, the previous condition of the parties, in other respects, is immaterial ; and in order to ascertain to what the contract binds them, we have only to inquire what the contract is.

Now there can be no doubt, that independent States

are morally as capable of forming themselves into a body politic, as independent individuals. A great proportion of the political societies which now exist, or of which we know the history, were constituted in this way. Hence, were it even admitted, that the States were distinct and independent communities at the time when they framed the constitution, the fact would no more prove that they are distinct and independent communities now, than the fact that the two parties to a contract of marriage were single before its conclusion goes to prove that they are single afterwards. If the States were, at the time when they framed the constitution, as there cannot be a doubt, morally capable of forming a contract, involving the entire surrender of their political independence, it is quite apparent that, in order to ascertain their rights and obligations under the constitution, we have to look exclusively to the nature and terms of that instrument, without regard to the mutual relations of the parties before they made it.

Reposing mainly, as has been said, for the justification of their proceedings, upon the argument that the States were independent at the time when the constitution was adopted, and must therefore of course be independent now, the convention has in a great measure lost sight of the course of reasoning which is proper to the subject, and have made but little effort to establish their doctrines, by reference either to the general nature of the constitution, or to its specific provisions. Some considerations appertaining to this branch of the inquiry, are however to be found in their publications, and to them the committee will now very briefly direct their attention.

Of these considerations the most important is, that the General Government, created by the constitution of

the United States, is a Government invested with specific and limited powers, having no general and indefinite powers, excepting such as are necessary to carry the specified ones into effect, and that the powers not conferred upon the General Government are reserved to the States. This is, no doubt, true in fact : but that it was not intended in making this arrangement, to maintain the States in possession of an absolute political independence, with a right of judging for themselves when the General Government exceeds its powers, and annulling any acts involving such excess, is apparent, as well from other particular provisions of the constitution, as from the general scope and purpose of that instrument.

In all cases the general purpose of a contract is one of the most important elements to be taken into view in ascertaining the rights and obligations resulting from it, because the general purpose controls, to a certain extent, the construction of all the particular provisions. It would be absurd to interpret any particular part of an instrument in such a way as would suppose in the parties an intention manifestly contrary to the general object of the whole ; as for example, to interpret one of the clauses in a contract of marriage in such a way as would suppose that it was the intention of the parties to remain single. Now it is quite apparent from the general scope and purpose of the constitution of the United States, that it was not the intention of the parties who framed it, whether considered in their joint or individual capacity, to retain the character of absolute political independence. It is one of that class of agreements commonly denominated *social compacts*, the principal object of which is to combine the parties forming them into one body politic, or political society, under a

common Government. This is apparent on the face of the instrument. *We, the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.* That such is the general scope of the instrument is not contested by the warmest advocates of the doctrines maintained by the convention of South Carolina. But the precise object which the parties to a social compact have in view in forming themselves into one political society, is to terminate the relation of mutual independence which previously existed between them. If the contract contained a clause providing that the parties should retain their political independence, it would be self-contradictory ; and to interpret a doubtful passage or particular provision in such a way as to attribute to the parties such an intention, would, as the committee have remarked, involve the same absurdity as to interpret a clause in a marriage contract on the supposition that the parties intended to remain single. It is of the essence of a social compact or constitution of government, that the parties to it surrender their absolute political independence, and become members of a society whose will is admitted to be the common law. To declare this will, agreeably to the forms prescribed in the constitution,—in other words, to make and alter the laws as occasion may require, is the office of the government. No individual or other member of the body politic can possibly, as such, exercise the power of making or annulling the laws, for the obvious reason that laws derive their character as such, from being the acts of the Government, and that if an individual, or other

member of the body politic, should succeed in giving to his own will the force of law, that is, in compelling the society to obey it, he would at the same time cease to be a citizen, and would concentrate in his own hands the Government of the country. In some extreme cases of intolerable oppression, the individual and other members of the body politic are justifiable in forcibly opposing the execution of the law ; but even in these cases there is no claim of any constitutional or legal right to repeal or annul it. The claim is to resist, in the exercise of the natural and inalienable right of self defence, the execution of what is admitted at the time to be, in form at least, a law.

The general scope and objects of the constitution preclude therefore the idea that it was the intention of the parties to it to retain their absolute political independence, or that they possess any right under it to annul the acts of the General Government. The same conclusions result with equal certainty from a view of its particular provisions. Had it been intended that the States should possess the important power of annulling or repealing at discretion the acts of the General Government, this power would undoubtedly have been given to them in express terms. It is not even pretended that the constitution contains any such express concession. Not only is there no express concession to this effect, but the idea that any thing of the kind was intended, is precluded by several provisions of an opposite character. The constitution gives to the supreme court cognizance of all cases arising under the constitution, and the laws and treaties made under the authority of the United States. This involves the right of deciding, in the last resort, whether a law is constitutional, which the Carolina doctrine claims for the States. The convention have

accordingly found themselves under the necessity of annulling the section of the judiciary act by which provision was made for carrying this clause of the constitution into effect without even pretending that it was unconstitutional. Again: *This Constitution, and the laws and treaties made in pursuance of it, are the Supreme Law of the land, any thing in the Constitution and laws of any State to the contrary notwithstanding.* By this provision, any act of a State, whether performed in its sovereign or legislative capacity, pretending to annul an act of the General Government, is declared in advance to be null and void. As respects the pretension that the States retain under the constitution their absolute political independence, it may be remarked that, were there no other objection to the doctrine, it would be satisfactorily refuted by the clause which regulates the form of making amendments. It is there provided, that any amendment of the constitution which may be proposed by two thirds of both Houses of Congress, and ratified by three fourths of the States, shall be binding on the rest. It is hardly necessary to add, that a community which is not only bound to obey laws which twenty-three other communities have a common agency in making, but which is bound to acquiesce in any changes in the form of the common Government that may be proposed by a certain number of these other communities, can have no claim to the character of absolute independence.

It is apparent therefore, as well from the general objects of the constitution as from the tenor of its particular provisions, that it was not the intention of the parties who formed it to retain their entire independence, or to exercise the power of annulling the acts of the General Government created by it. The fact that the Government is invested with specific and not indefinite powers,

has no tendency to prove the existence of such an intention, and has in fact no bearing at all upon the subject. The question at issue is, how much power the body politic of the United States of America possesses over the individual States of which it is composed. To the decision of this question, it is obviously quite immaterial whether the powers attributed by the constitution to the General Government, are definite or indefinite. These are exercised upon the individual citizen, and not upon the States, and neither their extent, nor the mode in which they are determined, can have any effect in settling the mutual relations between the States and the United States of America. The powers of all Governments are prescribed and limited, if not by written instruments, at least by usage and by the moral law. When they transgress the limits prescribed for them, the people cure the evil either by a change in the administration, effected in consistency with the forms of the constitution, or, if the case be extreme, by recurring to the natural right of violent resistance to the law. When the powers of the Government are defined by a written instrument, an attempt at usurpation is more likely to be distinctly seen and promptly attended to. But no new remedy is created, and in this, as in all other cases, the people must tolerate the existence of the evil until it can be removed by the silent efficacy of the ballot-box, or must recur at once to forcible resistance. There is, and can be in the nature of things, no middle path between these two courses. Every attempt to prevent by force, the execution of the laws,—by whatever name it may be called,—is, in its nature, *revolutionary*, and can only be defended by such considerations as would justify an act of rebellion.

On the whole, the Committee have been led to con-

clude, from the best consideration which they have been able to give to the subject, that the right claimed by South Carolina for the several States, of annulling at discretion any act of the General Government which they may deem unconstitutional, has no foundation in the letter or spirit of the Constitution. Nor is it countenanced in any degree by the practice under that instrument. For nearly half a century, during which the Government has been in operation, no case has occurred of an attempt by a State to annul one of its acts, although serious discontents have from time to time existed in different quarters, which would probably have led to the adoption of such a course had it been recognized by public opinion as constitutional. The only authority of a practical kind which has ever been adduced in support of it, is that of certain Resolutions adopted by the State Legislatures of Virginia and Kentucky, in the years 1798—9. Were it admitted that these Resolutions go the full length of the Carolina doctrine, they would still afford no actual precedent, and could only be regarded as an expression of the opinion temporarily prevailing in the Legislatures of these two States, but never even by them reduced to practice. These celebrated Resolutions have however been recently explained, in reference to this very question, by the distinguished Statesman who drafted one set of them, and was at the time the confidential friend and political associate of the author of the other, to intend nothing more than an assertion, in strong terms, of the universally acknowledged right of constitutional opposition to measures regarded as oppressive, and, in extreme cases, of forcible resistance. This explanation of his own intentions, and those of his immediate political friends, of course settles the construction to be put upon these Re-



solutions, and removes the only shadow of practical authority and precedent, that has ever been claimed by the advocates of the doctrine of Nullification.

As this doctrine receives no countenance from the theory of the constitution, or the practice under it, it is the less necessary to dwell upon its practical tendency, a topic which would afford very strong corroborating arguments against it, if, as a strict question of right, it could be considered as doubtful. It hardly requires any argument to shew that the exercise, by each of the twenty-four States, of a right to annul, at discretion, any Act of the General Government which they might deem unconstitutional, is wholly incompatible with a consistent and settled administration of the public affairs. Any law which might be supposed, correctly or not, to operate with peculiar hardship upon a particular State, would naturally appear, under the excitement of the moment, to be unconstitutional ; and as, in a community so vast as ours, there can hardly ever be a time when there is not some law which, for some reason, is particularly offensive to some one State, the process of nullification, if once recognized, would be constantly going on in one quarter or another. Every new attempt of the kind would shake the government to its foundations, and it would not probably require the occurrence of many to reduce our happy Union to a state of dissolution, more complete and hopeless than even that of the old Confederacy. The Committee refrain from enlarging upon these results, the necessity of which is, however, apparent to the most superficial observation. The question is argued by Carolina, chiefly as one of mere right ; and the answer on that ground only, is, in the opinion of the Committee, so clearly against

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her, that it would be needless to attempt to sustain it by any considerations of mere expediency.

With this view of the subject referred to them, and under a conviction that it is proper and expedient that the opinion of the General Court of this Commonwealth should be distinctly expressed upon it, the Committee respectfully submit the accompanying Resolves, which embody the most important principles that have now been suggested.

The Committee have felt a very deep regret at finding themselves called upon to express opinions unfavorable to the proceedings of a State so distinguished in the annals of the country, and so remarkable for the lofty and generous character of its sons as that of South Carolina. In so doing, they would not be understood to impeach the motives by which the State has been governed, or to intimate that it has been actuated by any other purpose, than that of procuring relief from a supposed grievance. The Committee are well aware, that the purest patriots and wisest statesmen may be led, under the influence of mistaken views and excited feelings, into very dangerous measures. The present proceedings in South Carolina are, in their opinion, of that description. But the Committee indulge a confident hope, that by the exercise of the necessary firmness and discretion, on the part of the General Government, the danger may be averted, and that South Carolina herself, recovering from the delusion under which, for some time past she has appeared to labor, may continue to maintain her accustomed place among the most enlightened and patriotic States in the Union.

Before concluding their report, the Committee deem it a duty to themselves and to the Legislature, to advert very briefly to some remarks which have been made

upon the tendency of the Resolves accompanying their former report, and adopted by the almost unanimous vote of both branches of the General Court. In certain quarters of high respectability, where the Resolves have been brought under discussion, it has been intimated that they favor the doctrine of Nullification, because they express the sentiment that the Legislature is not bound, silently, to acquiesce in measures considered by them as subversive of the spirit of the Constitution ; and this in the way of instruction to the delegation of the Commonwealth in Congress, for the purpose of preventing the adoption of these measures. The difference between a proceeding of this kind, and an attempt to annul and prevent the execution of existing laws, is too obvious to be overlooked. That the General Government may adopt an unconstitutional measure, is of course possible ; and no one can doubt that any portion of the people have a right, in an orderly and peaceable manner, to express their opinion upon the character of any of the measures of the General Government. But when this is done in advance, for the purpose not of denouncing an existing law, but of preventing a threatened mischief, it is not easy to see how the most fastidious judge can find any thing at which to take offence.

But were it even true, that the Legislature of this Commonwealth had expressed the intention of forcibly resisting the execution of an unconstitutional law, it would not therefore follow, that they had countenanced the doctrine of Nullification. The right of forcible resistance to the laws, in cases of extreme oppression, is undisputed. If such a case should ever occur, Massachusetts will openly take her stand upon that undisputed and indefeasible natural right. Nullification undertakes to reconcile resistance with submission ; to obey and

break the law at one and the same time. It must be justified, if at all, on principles entirely different from those which justify the natural right of resistance, and on principles which have never been professed, countenanced or practised upon by the Government or people of this Commonwealth.

All which is respectfully submitted,

For the Committee,

A. H. EVERETT.

*Whereas*, The People of South Carolina, assembled by their Delegates in Convention, have recently passed an act, denominated an Ordinance, purporting to annul certain acts of the Government of the United States, and to arrest their execution within the limits of that State, and have transmitted a copy of the same to His Excellency the Governor, with an accompanying address to the people of this Commonwealth, setting forth the reasons by which they justify this extraordinary measure; and

*Whereas*, It is important that the opinion of the General Court of this Commonwealth should be publicly and distinctly expressed upon those proceedings, in order that their silence may not be construed into acquiescence in the propriety of the same, or approbation of the reasons alleged in justification of them: therefore,

*Resolved*, *By the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled*, That the Constitution of the United States of America is a solemn Social Compact, by which the people of the said States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty for themselves and their posterity, formed themselves into one

body politic, under a common Government: that this Constitution, and the laws of the United States made in pursuance thereof, and all treaties made under the authority of the same, are the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding:—and that no citizen, State, or other member of the body politic, has a right in any shape, or under any pretext, to annul or prevent the execution of the said Constitution, laws or treaties, or any of them, excepting in such extreme cases as justify a violent resistance to the laws on the principle of the natural and indefeasible prerogative of self defence against intolerable oppression.

*Resolved*, That the right claimed by the Convention of South Carolina for that State, of annulling any law of the United States which it may deem unconstitutional, is unauthorized by the letter or spirit of the constitution—not supported by any contemporaneous exposition of that instrument, or by the practice under it:—inconsistent with the nature of political society, and tending, in practice, to the subversion of public tranquillity, and the complete overthrow of the Government.

*Resolved*, That the President of the United States is empowered, and in duty bound by the express provisions of the constitution, and by his oath of office, to take care that the laws are faithfully executed:—that when attempts are made to disturb by force the execution of the laws, it is the duty of the President to employ the means which are placed at his disposal by the constitution and laws for the purpose of defeating them:—that the Proclamation of the 10th of December last, is a judicious, well timed and salutary measure, well calculated to prevent the necessity of recurring to others of a different character:—that we approve the determination

therein expressed by the President, to enforce the laws, and that we are prepared to support him and the other constituted authorities of the Union, in all the necessary, suitable, constitutional and legal measures, which they may be called upon to adopt for that purpose.

*Resolved*, That while we find ourselves compelled to express an unfavorable opinion of the recent proceedings of South Carolina, we entertain no sentiments of unkindness towards our fellow citizens of that State :— that we look back with pride and satisfaction to the brilliant services rendered by South Carolina in the struggle for independence, and have ever regarded her as among the most distinguished members of the Union :—that we deeply regret that measures adopted in good faith, and in a strictly constitutional form, by the constituted authorities of the country, should have been considered by the people of that State as intended to build up another section of the Union at their expense :— that we are, and always have been ready and desirous to listen, in a sincere spirit of conciliation, to any propositions for changing, in a constitutional and legal manner, any part of the existing legislation, and to give them all the attention to which they are fairly entitled : and that we earnestly entreat our brethren and fellow citizens of South Carolina to desist from the irregular, violent and unconstitutional attempts to obtain redress for their supposed grievances, in which they are now engaged, the result of which, if further pursued, can only be to create collision between the General and State Governments, endanger the public tranquillity, and seriously compromise the safety of the persons immediately concerned in them.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of these resolves and of the

report preceding them, to the President of the United States, the Governors of all the States, and to each of the Senators and Representatives of this Commonwealth in Congress.

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## CHAP. L.

*Resolve on the Petition of the Town Officers of the Town of Adams.*

March 11, 1833.

*Resolved*, That for reasons set forth in said petition, the selectmen of the town of Adams, in the county of Berkshire, be, and they hereby are authorized to make out and post up alphabetical lists of voters in two or more public places within said town of Adams, ten days, at least, before the first Monday of April next. And the posting up of such lists at the time aforesaid shall have the same effect, so far as it respects the validity of any town meeting holden within said town, on or after the first Monday of April next, as if said lists had been made out and posted up ten days before the first Monday of March instant.

## CHAP. LI.

*To the Honorable Senate, and  
House of Representatives.*

A Preamble and Resolutions recently adopted by the General Assembly of Ohio, on the subject of the late Ordinance and proceedings of South Carolina,—and distinct Resolutions of the same General Assembly, declaring the inexpediency, at the present time, of the call of a convention to amend the constitution of the United States, in reference to questions of disputed powers, which have arisen between any State of the confederacy and the General Government;—and approving the sentiments expressed in the President's proclamation and message, in relation to the doctrines of nullification and secession, having been officially transmitted to me, I have now the honor to present the same to the notice of the legislature of this Commonwealth.

LEVI LINCOLN.

*Council Chamber, March 12, 1833.*

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## CHAP. LII.

*Resolve on the Petition of Mary Knox.*

March 12, 1833.

On the petition of Mary Knox, lately of the city of Boston, in the county of Suffolk, in said Commonwealth,



but now being in Suffield, in the county of Hartford, and State of Connecticut, and for the reasons therein set forth ;

*Resolved*, That the said Mary Knox be, and she is hereby, authorized and empowered to sell and convey, on such terms, and for such price as she shall deem expedient, and by public vendue or private sale, one undivided seventh part of a certain tract of land, wharf and flats, situate in said city of Boston, the whole thereof being bounded, described, and measuring as follows, (viz.) Easterly by the sea or salt water about thirty-five feet six inches ; southerly in part on a dock, and partly on the highway, two hundred and twenty-three feet ; westerly on land now or formerly of the heirs of Jeremy Allen, Esq., deceased, forty-three feet six inches, and northerly on a dock, two hundred and twenty-three feet, and all flats, rights and privileges thereto belonging : said wharf being the same formerly called Wentworth's wharf, and more recently, Barret's wharf. Also, one undivided seventh part of a certain other piece of land, and the buildings thereon, adjoining the land above described, the whole thereof being bounded and measuring as follows, (viz :) southerly on a passage way leading to said wharf, thirty feet ; westerly on house and land formerly of Abigail Belcher, about forty-six feet ; northerly on a passage way, twenty-four feet ; and easterly on the land first above described, about forty-three feet, be said measurements more or less, and all rights, easements, privileges and appurtenances thereto belonging,—and all the right, title and interest of said Mary Knox, in and to the above described real estate, and every part thereof ; and to make and execute good and sufficient deed or deeds thereof to convey the same to the purchaser or purchasers thereof, his or their heirs and assigns, in fee sim-

ple, free from all title and interest of her husband in or to the same.

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## CHAP. LIII.

*Resolve making an Appropriation for the State Lunatic Hospital at Worcester.*

March 14, 1833.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, for the use of the State Lunatic Hospital at Worcester, the sum of ten thousand dollars, to be drawn from the treasury by the treasurer of said hospital, in such sums as the Governor, with the advice of Council, shall from time to time direct. And His Excellency the Governor, with the advice of the Council, is hereby authorized and requested to draw his warrant on the treasury for the said sum accordingly.

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## CHAP. LIV.

*Resolve granting Compensation to Reuben Childs, for Revolutionary Services and Losses.*

March 14, 1833.

*Resolved*, For reasons set forth in the petition of Reuben Childs, of Conway, in the county of Franklin, that there be allowed and paid to him the sum of fifty dollars

and thirty-five cents, in full compensation for his losses and services in the war of the revolution ; and that a warrant be drawn therefor.

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## CHAP. LV.

*To the Honorable Senate, and  
House of Representatives.*

The sentiments of the legislature of the State of NEW YORK, expressed in a report of a joint committee of the Senate and Assembly, and joint resolutions of the two branches ;—and the sentiments of the legislature of the State of MISSISSIPPI, declared in a preamble and resolutions,—all having relation to the proceedings of the State of South Carolina, in her recent convention, and, in the most unequivocal and decided terms, dissenting from, and reprobating the principles and measures of nullification and secession, as wholly unauthorized by the constitution of the United States, revolutionary in their tendency, and subversive of the union and the government thereof, having been officially communicated to me, with requests that the documents might be submitted to your consideration, they are, in respectful compliance, herewith laid before you.

LEVI LINCOLN.

*Council Chamber, March 18, 1833.*

## CHAP. LVI.

*Resolve for submitting to the People a proposed Article of Amendment to the Constitution.*

March 18, 1833.

WHEREAS the specific Article of Amendment hereafter recited was proposed in the last General Court, as an Amendment to the Constitution of this Commonwealth, and was agreed to by a majority of the Senators and two-thirds of the House of Representatives present and voting thereon, and was thereupon entered upon the journals of the two houses, with the yeas and nays taken thereon, and also referred to the present General Court, and published, as by the said Constitution is required; and the same proposed Amendment having been agreed to by a majority of the Senators, and two thirds of the House of Representatives of the present General Court, present and voting thereon, it has become the duty of this General Court to submit the said proposed Amendment to the People, in order that, if the said proposed amendment shall be approved and ratified by a majority of the qualified voters, voting thereon at meetings legally warned and holden for that purpose, the same may become a part of the Constitution of this Commonwealth.

## ARTICLE OF AMENDMENT.

“ Instead of the Third Article of the Bill of Rights, the following modification and amendment thereof is substituted.

As the public worship of God, and instructions in piety,

religion and morality, promote the happiness and prosperity of a people, and the security of a republican government ;—Therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses : and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society, a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract, which may be thereafter made, or entered into by such society :—And all religious sects and denominations demeaning themselves peaceably and as good citizens of the Commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law.”

*Resolved*, That the people shall be assembled for the purpose aforesaid, in the city of Boston, and the several towns and districts of this Commonwealth, respectively, in meetings to be legally warned and held on the second Monday of November next ; at which meetings, all the inhabitants qualified to vote for senators or representatives in the General Court, may give in their votes by ballot for or against the said article of amendment. And the same officers shall preside in the said meetings, as in the meetings for the choice of senators and representatives, and shall, in open meeting, receive, sort, count and declare the votes of the inhabitants for and against the said article of amendment ; and the said votes shall be

recorded by the clerks of said city, towns and districts, and true returns thereof shall be made out, under the hands of the mayor and aldermen of the city of Boston, and of the selectmen or the major part of them, and of the clerk of the said towns and districts respectively; and the said returns shall be sealed up, and delivered to the sheriff of the county, within eight days after the said meetings, to be by him transmitted to the office of the secretary of the Commonwealth, on or before the first Wednesday of January next; or the said mayor and aldermen and selectmen, respectively, shall themselves transmit the same to the said office, on or before the day last mentioned, in order that the same may be laid before the General Court.

*Resolved*, That a printed copy of these Resolves, including the said article of amendment, and blank forms of the returns of the votes on said article of amendment, shall be transmitted, by the secretary of the Commonwealth, to the mayor and aldermen of the said city of Boston, and to the selectmen of the several towns and districts of this Commonwealth.

## CHAP. LVII.

### RESOLVES

*Relating to the Proceedings of South Carolina.*

March 18, 1833.

The Special Joint Committee, to whom was referred, among other things, that portion of His Excellency the Governor's Message, relating to the subject of the preamble, and resolutions, of the Legislature of South Car-

olina, proposing that a "*convention of the states should be called, as early as practicable, to consider and determine such questions of disputed power as have arisen between the states of this confederacy and the general government,*" have had the same under consideration, and respectfully submit the following Report in part.

Upon the first presentment of the resolutions in question, taken in connexion with the matter contained in the preamble, with which they are introduced, your Committee were considerably at a loss to determine what should be regarded as being their precise scope and object. The question occurred to them whether it was the intention of the Legislature of South Carolina to invite a Convention of the States, with a view to certain specific amendments of the constitution of the general government, in conformity with the provisions in the fifth article of that instrument, or to assume the novel and extraordinary ground that such a convention was necessary or expedient, for the purpose, merely, of considering, and determining, in their sovereign capacity, certain questions of disputed power, which are supposed to exist between that state more particularly, and the government of the union.

With reference to this point, the committee were naturally led, in the first place, to a consideration of the very unusual manner, (in case an amendment of the constitution, in conformity with the article alluded to, were alone contemplated) in which the proposition is submitted to the Legislature of Massachusetts.

Since the first organization of the federal government, it has, as the committee believe, been the uniform practice of the legislature of a state, whenever it has proposed to bring about any amendment or

change in the constitution of that government by a convention of the states, to specify, in their application to other states, for cooperation and support in such a measure, the precise points wherein the existing provisions of the system were supposed to be doubtful or insufficient, and the nature and extent of the correction proposed to be applied. This form of application, which, whether prescribed or not by the terms of the article before referred to, would seem to be such as the nature of the case requires, appears, nevertheless, to have been not inadvertently, but studiously, avoided by the Legislature of South Carolina on the present occasion.

In another particular, the novelty of the proposition now submitted to this legislature, not as respects its form only, but its matter and substance, is not less conspicuous. It is not proposed that a convention should be called, with a view to any particular amendment, or even, in general terms, to a revision of the constitution of the general government, but that it should take upon itself, when assembled, in a manner wholly unknown in any existing provision of the federal compact, the office of umpire, and sit in judgment on certain disputes which are alleged to exist between a state or states and the nation. It is believed by your committee, that, with the exception of one solitary case of an analogous description, to which they may hereafter have occasion to advert, for another purpose, but which, considering the time of its occurrence, and the fate that awaited it, they can hardly suppose would be relied upon as affording the authority of a precedent, the proposition now submitted is entirely unexampled in the history of this government.

It is, at any rate, most manifest, that, if assented to by the states, it would necessarily be attended with the



most fatal consequences to the union. If the principle be sanctioned that, whenever a single member of this confederacy, conceiving itself aggrieved by any, even a questionable measure of the general government, shall be permitted, first, to resist the measure, and then to summon a convention of the whole, in order to consider and determine the matter in dispute, it is easy to foresee what utter degradation of all the regular authorities of the government, what scenes of anarchy and disorder throughout the land must inevitably and speedily ensue. But it appears to your committee, that the proposition, in itself, is not more extraordinary than is the sweeping assertion with which it is prefaced, and which seems, indeed, to constitute the only grounds upon which it is predicated. In the preamble to the resolutions in question, it is declared "*that serious causes of discontent do exist among the states of this union, from the exercise by Congress of powers not conferred or contemplated by the sovereign parties to the compact.*" The committee will not trust themselves to express, in terms such as their feelings might prompt them to employ on the occasion, the surprise, as well as the regret they have experienced, at meeting with a solemn, deliberate announcement like this, from the legislative body of a respectable member of this union. Nor will they stop to consider, how far, under almost any imaginable circumstances, it is consistent with that courtesy and comity, to say nothing of respect and confidence, which the constituted authorities of the different states have hitherto been accustomed to manifest in their intercourse with one another, and with the several departments of the general government. In the view of your committee, the position here assumed, for it is unaccompanied by any reserve or qualification whatsoever, amounts in

fact to nothing less than this, that both branches of the legislative department of this nation, including of course the chief executive, who must have sanctioned their proceedings, have manifestly been guilty of a dereliction of duty, a palpable abuse of power, while in the pretended exercise of their official functions.

An imputation of so grave and serious a nature is not indeed in so many words pronounced against them, but as much as this is clearly implied by the whole tenor of the document alluded to. If, according to the naked assertion of the preamble, which is wholly unaccompanied by any allowance for a possible error of judgment, the Congress of the United States have, on any occasion, been found to have exercised "*powers not conferred nor even contemplated by the parties to the federal compact*," the inference would seem to follow of course, for all acts of a legislative body must be supposed to have been the result of deliberation, that the outrage was perpetrated knowingly, intentionally. Indeed, the committee have been reluctantly led to the conclusion, especially when taking into view the present communication from the legislature of South Carolina, in connection with the extraordinary measures antecedently adopted, and still maintained by a majority of the people of that state, in their convention, and in their halls of legislation, that it was, in reality, their deliberate intention to pronounce a sentence not less serious and severe than that before supposed, against the legislative authorities of the general government. It is, as your committee, from a due consideration of all the circumstances of the case, are constrained to believe, principally, with a view to the confirmation or the reversal of this sentence, that the invitation is now given to Massachusetts, to unite in summoning a convention of the states. In this connec-

tion, it may be useful to notice, very briefly, the grounds on which, not the leading politicians only, but the high functionaries in the government of South Carolina, have attempted to justify the extraordinary proceedings that have been adverted to. It has been promulgated as one of the first and fundamental principles in their new theory of the federal government, that not one jot or tittle of the sovereignty of any state was surrendered or compromised, in any manner, at the formation of the union. That a state has a right of course to be its own interpreter of the laws of the general government, and to be the judge in the last resort of their validity. That, whenever a state, in its sovereign capacity, shall be pleased to pronounce that the congress of the United States have, in regard to any of their enactments, transcended the authority delegated to them by the constitution, all such acts must thenceforth, so far at least as concerns the citizens of such state, be considered as utterly void and ineffectual. Furthermore, it is contended, that a declaration, of the kind above mentioned, is not only binding upon all within the jurisdiction of the disaffected state, but conclusive also, for the time being at least, against all the authorities of the general government. From this novel and most extravagant doctrine, it results as a consequence, that an act of the highest legislative authority of this nation, whatever may be its scope or object, or however urgent in reference either to the foreign or internal affairs of the whole people may have been the cause of its adoption, must, when thus brought into question, remain as it were in abeyance, at the commandment of a single state. In other words, that the vast and complicated machinery of the national government shall be made to stand still, until a grand convention of twenty-four independent, contending sovereignties, if so many should be pleased

to assemble on the occasion, shall have considered and determined the question of its validity.

Such, in substance, appears to be the theory of reform which has recently been promulgated, and is still maintained by the constituted authorities of South Carolina; and your committee is constrained to believe that it is, with a reference to this system, and to a consummation of the very extraordinary course of procedure therein contemplated, that the proposition for a convention of the states is now submitted to this legislature. The committee conceive that it would be a very useless appropriation of time, especially as the whole subject matter involved in the late extraordinary proceedings of South Carolina is already entirely familiar to the community, were they to proceed any further, on a course of reasoning, in order to demonstrate the utter fallacy and impracticability of the doctrines here adverted to; or to dwell longer in contemplating the consequences in which, should they be sustained, they must naturally and necessarily involve the peace and safety of the Union. Their tendency, it is conceived, is quite too obvious to require, or even to admit of argument or illustration. They manifestly go to resolve at once our present glorious system of national government into its original elements, and would leave, not for the present generation, but for posterity, the fearful, if not utterly hopeless task, of building some frail and miserable fabric upon its ruins.

In fine, your committee are unanimously of the opinion, that, upon any such grounds, or for any such reasons as those which are set forth in the *said Preamble and Resolutions*, according to the construction thus given to them, it would be wholly inconsistent with the honor and the dignity of this Commonwealth, to accede to the call of a convention of the states, for the purposes therein specified.

But secondly, in case your committee have been so unfortunate, in regard to the beforementioned particulars, as to have misinterpreted the import and intent of the communication from the legislature of South Carolina ; if, contrary to the construction now assumed, its real intention was to invite the co-operation of Massachusetts in the call of a convention of the states, with a view to some legitimate amendment of the constitution, in conformity with the existing provisions of the instrument, the committee are, nevertheless, entirely agreed in the opinion, that there are, in truth and in fact, no such causes existing, as would justify, even for such a purpose, (especially during the present irritable state of feeling among the people of several states of the Union) a resort to a measure so unusual and extraordinary. Unless some one or two discontented states in this Union, should, by reason of their pre-eminence in virtue and patriotism, be considered as justly entitled to the distinguishing appellation of "*the States of this Union*," the committee cannot assent to the position which is laid down in the sweeping language of the preamble to the resolutions from South Carolina, that there are, in fact, existing *serious causes*, or any just causes whatever, whether serious or trivial, of discontent among "*the States of this Union* ; much less are the committee prepared to sanction the yet more extravagant assertion, that if discontents of any kind, or to any extent, do, in fact, exist, "*they have arisen from the exercise, by Congress, of powers not conferred, or contemplated, by the sovereign parties to the Federal Compact.*"

It is indeed true, that within the period of the last two or three years, one of the states of this Union has seen fit to proclaim aloud, throughout the land, her displeasure on account of certain prominent measures of the general government.

She has been pleased to assign, as the cause of the discontent, that the highest legislative authority of the nation had assumed to itself the exercise of unwarrantable and exorbitant power ; and, on this ground, has, at length, placed herself in the attitude of open defiance of the constitution and the laws of the land.

It is not less true, however, that whatever of sympathy or commiseration may have been expressed or felt, by any, for the errors and delusion of a much beloved, but wayward associate in the political family, not a single other state in this Union is united with her in sentiment, either as to the legal grounds of her complaint, or the propriety of the measures to which she has seen fit to resort for redress. On the contrary, in relation to both the one and the other, the voice of nearly the whole people, in their primary assemblages, in their halls of legislation, and every where throughout the land, has been heard, in a tone not of expostulation only, but of severe censure and reproof, to pronounce its decision against her.

In the opinion of your Committee, a convention of the States cannot now be necessary to consider the validity of that decision, or to add any new provisions to those already existing in the Federal Compact, with the view of preventing a recurrence of similar discontents among the States, in future.

It is now nearly half a century since the present admirable system of government first came from the hands of the illustrious statesmen and patriots by whom it was framed. Its theory, conceived as it would now seem to have been almost by the power of superhuman intelligence, has been found, in experiment, in its wonderful adaptation to all the various and complicated concerns of this great and growing nation, not only to have equal-

led, but greatly to have transcended, the most sanguine hopes and expectations of the country.

In peace and in war, throughout all the trials and vicissitudes to which the nations, as well as individuals, in this imperfect state of being, are necessarily subjected, its original principles, as they were at first established and understood by the people, have to this day, remained without essential change or variation—unpolluted, undisturbed. Indeed, the members of the Committee are solemnly impressed with the conviction, that next to the superintending agency of a wise and beneficent Providence, which seems from the first to have watched over the destinies of this much favored people, it is to this same system of civil Government, and to the mild, but firm and undeviating manner in which its principles have, for the most part, been maintained and administered, that we are chiefly indebted for the general, nay, almost universal prosperity which is now seen and felt in every part of this wide spread nation. It is this, as they verily believe, which, under the smiles of Heaven, has been the means of elevating these States from their once confused and imbecile condition, to that distinguished station which they now occupy among the proudest and most powerful nations of the world.

In the Constitution of a Government framed with such wisdom, which has been thus tried and proved, and found to have been attended with such happy results, it surely would not be the part of prudence or good policy to attempt, on any light occasion, or indeed in any case but one of the most imperious and urgent necessity, a fundamental change of any kind. It is the opinion of your Committee, that in the complaints lately put forth by the State of South Carolina, there is nothing, when their real causes are fairly and fully investigated, that

can be supposed to amount to the presentment of an exigency of this latter description.

Nor do the Committee believe that a revision of the Federal Constitution, by a Convention of the States, would at this time be useful, much less that it can be necessary, as has of late been sometimes alledged, or *pretended*, with a view to some more clear and exact definition than is to be found in the existing provisions of that instrument, in relation either to the legitimate boundaries of jurisdiction between the General and the State Governments, or to any of the powers or immunities which these high parties respectively have hitherto been accustomed to claim or enjoy.

It was not unforeseen by the illustrious framers of the Federal compact, nor by the intelligent people who adopted it, that, in the very nature of things, such "*questions of disputed power*," (to use the language of the South Carolina resolutions,) would be likely to arise in the course of its operation. They were doubtless well aware also, that it was not in the power of any human wisdom or forecast, or indeed of any thing less than the intelligence which belongs alone to the Omniscient, to devise a system of government for a nation like this, that should be forever exempt from such doubts and exceptions as the ingenuity or ambition of men might suggest, especially in times of party zeal or excitement. Differences of this kind in political opinion, and the collisions which sometimes spring from them, should be regarded as the natural, perhaps necessary incidents of all free institutions; as constituting in fact that portion of alloy which, by the ordination of Providence, seems to have been mingled with all our best comforts and blessings, and without which we could not have been permitted to enjoy the blessing of civil liberty, which is more precious in our estimation than all others.



But it is believed that the testimony of all history will demonstrate that such difficulties have been of less frequent occurrence, and attended with much less serious consequences, in this than in any other Government partaking in any degree of the republican form, which has existed on the face of the earth. It was, at any rate, precisely with a reference to these natural and necessary consequences of the freedom of all our political institutions, that the grand conservative principle, which is found in the Judiciary department, was deeply implanted in the system; that a high tribunal was appointed to stand, as it were, by the very tenure of its office, as well as by the peculiarity of its attributes in other respects, separate and distinct from all other departments of the Government. That to this tribunal was confided the great business of interpreting the Constitution and the laws, and of performing the high office of arbiter, in the last resort, of all questions "*of disputed power*" that might arise in the course of their administration. It is, in the opinion of the Committee, no more than a tribute justly due to the character and conduct of this distinguished tribunal, as well as to the wisdom and forecast of the illustrious statesmen who provided for its organization, to pronounce that it has hitherto fulfilled most faithfully and effectually the great purposes of its appointment.

It must be admitted, indeed, that, in the course of a series of years, during which the system has been in operation, a few isolated instances of insubordination, not only among considerable masses of citizens, but extending, even, to the constituted authorities of whole States, have been known to exist, which seemed, at first, too mighty to be controlled by the mild and peaceable operation of the principle alluded to; but, happily, for

the peace and honor of the country, the Constitution and the laws have hitherto, in all such cases, eventually triumphed. The Committee, here, feel a degree of pride as well as pleasure, from having an opportunity to unite their humble voice with that of a late distinguished *Commentator*, who had, perhaps, as much to do, as any other mortal, now living or dead, in the original formation and subsequent administration of our present system of government, in the declaration that, "*with few exceptions, the course of the Judiciary has, hitherto, been sanctioned by the predominant sense of the nation.*"

If, in relation to this particular branch of the subject, any thing further were wanting in confirmation of the opinions which are entertained by every member of the Committee, they would beg leave to invoke to their aid, and indeed to adopt as their own, the sentiments that were once expressed by the authorities of another leading State of this Union in a case corresponding, essentially, in its character, and in fact almost entirely analogous in its circumstances, to that which is now presented for consideration.

The Committee, here, allude to the proceedings of the Legislature of Virginia, some thirty years ago, when a proposition was submitted to them by the government of a neighboring State, then, the largest, and most influential member of the confederacy, for an amendment of the Constitution of the United States, by providing for "*the appointment of an impartial tribunal to decide disputes between the State and Federal Judiciary*"; in other words, a tribunal, in relation to which, the one, now established by the Constitution, should become a mere subordinate and dependent. It would be foreign from the purpose of the present inquiry, and serve only to revive the remembrance of scenes, which, for the honor

of the country, should rather be permitted to pass silently to oblivion, and, if possible, be obliterated from the history of this government, were the Committee to attempt to detail the reasons, or rather pretexts, which were urged as the grounds of this extraordinary, and, at that time, wholly unprecedented proposal, on the part of the great State that has been alluded to.

It is sufficient for us to know, that it was a case in which the highest authorities of one of the States of this Union were seen in hostile array, on the very verge of open insurrection, against the Judicial power of the nation; and which, but for a returning consciousness of error and delusion, on the one side, and a firm, undeviating perseverance in the execution of its high duties, on the other, must inevitably have involved the country in all the complicated horrors of civil war.

But, happily for the nation, the pretensions and the project of the disaffected State received no countenance from the State of Virginia. Her response, on the occasion was precisely such as might reasonably have been anticipated from the intelligence and pure patriotism of such men as are known to have presided, at that day, in the councils of that much distinguished Commonwealth.

*“It was, among other things, unanimously resolved by both Branches of their Legislature, that, in their opinion, there was a Tribunal already provided by the Constitution of the United States, to wit, the Supreme Court, more eminently qualified, from their habits and duties, from the mode of their selection, and from the tenure of their office, to decide the disputes aforesaid, in an enlightened and impartial manner, than any other Tribunal which could be erected.”*

Such, to the very letter, was the magnanimous declaration of Virginia, when, by reason of an unpopular,

judicial decision, (in the celebrated *Olmstead case* of Pennsylvania) she was invited to co-operate in an attempt to break up the existing foundations of the Judiciary Department of our Government. The example thus presented to us is worthy of all praise, and of imitation ; and it surely is of not the less authority, from the circumstance of being holden up to us by a member of this Union, which, whatever may at any time have been said or thought of its political character, in other respects, has, it is believed, never been suspected of any deficiency of zeal, or devotedness to the cause of State rights, or the protection of its own dignity and sovereignty.

The committee will not attempt, by any further commentary of their own, to give to this precedent additional strength or weight.

In fine, upon a mature and deliberate consideration of the whole subject submitted to them, the committee have unanimously agreed to recommend to this Legislature, the adoption of the following Resolves.

For the Committee,

GEORGE BLAKE.

*Whereas*, the Governor of the State of South Carolina did by his communication, under date the fifth day of January last past, transmit to His Excellency the Governor of this Commonwealth, copies of a certain preamble, and resolutions connected therewith, recently passed by both branches of the Legislature of the said first mentioned State, with a request that the same might be laid before the Legislature of this Commonwealth ; in which said preamble and resolutions, it is

set forth that "*serious causes of discontent do exist among the States of this Union from the exercise, by Congress, of powers not conferred or contemplated by the sovereign parties to the compact ; and resolving, therefore, that it is expedient that a Convention of the States be called, as early as practicable, to consider and determine such questions of disputed power as have arisen between the States of this Confederacy and the General Government.*"

And whereas, His Excellency the Governor of this Commonwealth hath, in pursuance of the said request, submitted to the consideration of this Legislature, the preamble and resolutions aforesaid : Therefore

1. *Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, That the Legislature of this Commonwealth do not recognize the existence, at this time, of any serious causes of discontent, among the States generally, of this Union, or in any one of them ; much less, can they admit that, if any such discontents do, in fact, exist, they have arisen from the exercise by Congress of powers not conferred or contemplated by the sovereign parties to the compact, as is asserted in the before mentioned communication from the Legislature of South Carolina.*

2. *Resolved, That there is, already, existing, under the Constitution of the United States, a proper and competent tribunal, namely, the Supreme Court of the United States, who are invested with sufficient power, and authority ; who are eminently qualified, and to whom it constitutionally belongs, to consider and determine "the questions of disputed power," and all other matters of controversy which are referred to in the said preamble and resolutions : Therefore*

3. *Resolved*, That the Legislature of this Commonwealth do not accede to the proposition of calling a Convention of the States for the purposes therein expressed, or for any other purpose whatsoever.

4. *Resolved*, That His Excellency the Governor be requested to transmit a copy of these resolves, together with the report which accompanies them, to the President of the United States, the Governors of all the States, and to each of the Senators and Representatives of this Commonwealth in Congress.

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#### CHAP. LVIII.

*Resolve authorizing Repairs of the State House and State House Yard.*

March 19, 1833.

*Resolved*, That the committee on public buildings, on the part of the House of Representatives, be directed to cause the Offices of the Treasurer and Secretary of the Commonwealth, the lobbies of the State House, and the stairways leading to the galleries and dome, to be repaired, painted, and whitewashed; to erect a fire proof closet in the office of the Treasurer; to furnish such additional furniture for the office of the Secretary as may be requisite; and to cause such repairs to be made in the flagging of the State House yard, as may be found to be necessary. That said committee shall present the accounts for the above mentioned repairs to the treasurer for allowance, and that a warrant be drawn therefor.

CHAP. LIX.

*Resolve in favor of Mary Thomas, Widow of Philip Thomas, formerly of Topsfield, in the County of Essex.*

March 19, 1833.

Upon the petition of Mary Thomas, setting forth the services of her husband, Philip Thomas, during the revolutionary war, her extreme old age, and destitute situation ;

*Resolved*, That for the reasons set forth in said petition, the sum of one hundred dollars be paid out of the treasury of this Commonwealth to Mary Thomas aforesaid, and that a warrant be drawn therefor.

CHAP. LX.

*To the Honorable Senate :*

A Bill entitled “An Act to incorporate the Proprietors of the Second Baptist Meeting House in Lowell,” was yesterday laid before me, for my approval, which, feeling myself constrained to withhold, I now return the same, with my objections thereto, to the Senate, where it appears to have originated, for revision, pursuant to the provisions of the Constitution.

The first Section of the Bill proposes to constitute certain persons, by name, with their associates and suc-

cessors into a Corporation by the name of the Proprietors of the Second Baptist Meeting House in Lowell, *with power to acquire and manage real and personal estate, not exceeding in value Twenty thousand Dollars.* In the second section, it is provided, that the Corporation may divide their estate into shares, as their by-laws shall direct, and may make on such shares assessments not exceeding one hundred dollars, on each share, and authorizes a sale of the shares of delinquent Proprietors, who shall neglect or refuse to pay their assessments. The number of shares is no otherwise restricted, than by the aggregate amount of funds, which the Corporation is permitted to possess. There is no where to be found in the Bill, any limitation of the *uses* to which this property is to be applied, or any indication of the description of Estate which the Corporation may hold. Indeed, otherwise than by the name given to the Corporation, and which neither defines, nor can control its powers, there is nothing to designate its intended character, or distinguish it from a monied, manufacturing, or other business Institution. Taken in all its provisions, it is, in effect, neither more nor less than *a broad and bald authority* to certain persons to “*acquire and manage,*” with the facilities of an Act of Incorporation, property to the amount of Twenty Thousand Dollars, raised by assessment, divided and held in shares, and to be disposed of at pleasure. In stating this position, it can hardly be necessary to remark, that the title of the Bill, which seems to imply that the persons proposed to be incorporated are Proprietors of a Meeting House, is no part of the enactment, nor need it be repeated, that the name by which a Corporation is created, has little to do in regulating its operations. If it was designed to constitute a Corporate Body for religious purposes, the Bill



departs from the technical and definite phraseology, by which that design of the Legislature is usually manifested. The reference which is had in the Bill to the powers and requirements contained in an Act concerning Corporations, applies only to those powers which respect the organization of such Bodies, and are made common to Corporations of every description, where special and different provisions are not prescribed.

Holding, therefore, as I do, that if the Bill should pass into a Law, the Corporation thereby created, would be competent to acquire, hold and manage Estate, real and personal, to the extent of Twenty thousand Dollars, *wholly unrestrained in its uses*, by the Statute, and believing that in grants of this description, it must be the intention of the Legislature to direct the application of the funds, I respectfully submit these considerations, as *objections*, both to the expediency and propriety of the form of the present enactment.

A particular matter, certainly, of this minor importance, might hardly seem to warrant me, in claiming for it so much of your attention. But I cannot forbear to avail myself of the opportunity which the objection to this Bill creates, to express also my apprehensions of future embarrassment from the facility and frequency with which Corporate powers are granted. The effect is to destroy individuality of interest, and to accumulate masses of property in aggregate Bodies; to convert substantial freeholds, into mere securities for transferable paper, or by locking up property from private disposal in the funds of another class of Corporations, to induce to a reliance for the accomplishment of ordinary purposes upon public provisions, rather than the results of personal industry and exertion. Whenever large Capital and combined means are required to effect

great objects, whether of business or moral improvement, they may most effectually be secured under acts of incorporation. To such purposes, and to a wide range of interests, these legal facilities, doubtless, may be judiciously, if they are not of necessity, accorded. But they must be limited in their application, by some rules of public policy. And I humbly and earnestly appeal to the consideration of the Legislature, at least, as some guard against abuses of the authority conferred, that in every act of incorporation which their wisdom may sanction, the object of the grant, whatever it may be, shall be made manifest, and the powers which are to be exercised, either expressly, or by distinct reference, be clearly and precisely defined.

LEVI LINCOLN.

*Council Chamber, March 20, 1833.*

[Note. The above Message having been read in the Senate, and the question being taken, whether the Bill entitled "An Act to incorporate the Proprietors of the Second Baptist Meeting-house in Lowell;" shall pass, notwithstanding the objections of the Governor, there was *one* yea; and there were *nineteen* nays; so said bill was rejected.]

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## CHAP. LXI.

*Resolve to pay for making a General Index of the Journals of the Senate.*

March 20, 1833.

*Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Charles Calhoun,*

Clerk of the Senate, for his labor and services in preparing a General Index of the Journals of the Senate, from the adoption of the Constitution, in pursuance of an Order of the Senate of March 1st, 1831, four dollars per day for each and every day during which he has been, or shall be actually employed in said service during the recesses of the Legislature. And His Excellency the Governor with the advice of the Council, is requested to draw his warrant accordingly.

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## CHAP. LXII.

*Resolve authorizing the purchase of a copy of Audubon's Birds of America, for the Library of the General Court.*

March 22, 1833.

*Resolved*, That the Committee on the Library, provided they shall deem it expedient, be, and they hereby are authorized to purchase for the same a copy of the work entitled "The Birds of America," by John James Audubon of Louisiana, and that His Excellency the Governor be, and he is hereby authorized to draw his warrant on the Treasury for such sum or sums as may be necessary to defray the expense of said purchase: *provided* the same shall not exceed the sum of eight hundred dollars.

## CHAP. LXIII.

*To the Honorable Senate, and  
House of Representatives ;*

It becomes my duty to inform the Legislature, that Major General Benjamin King of the Fifth Division has resigned and been honorably discharged from his Commission.

LEVI LINCOLN.

*Council Chamber,  
March 23, 1833.*

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## CHAP. LXIV.

*To the Honorable Senate, and  
House of Representatives ;*

The proceedings of the Legislatures of the States of Maine and of Alabama, respectively, in relation to the principles assumed, and measures adopted by South Carolina, on the subjects of the Tariff, and the constitutional powers of the General Government, having been officially communicated to me, for the information of the government of this Commonwealth, I herewith transmit the documents which I have received, to the Legislature.

LEVI LINCOLN.

*Council Chamber,  
March 23, 1833.*

## CHAP. LXV.

*To the Honorable Senate, and  
House of Representatives ;*

I submit, for your advice and disposal, a communication from His Excellency the Governor of Maine, with accompanying Resolutions of the Legislature of that State, relating to the payment of a balance retained from the money received from the United States on account of the Claim, to meet the expenses of the agency, in its prosecution. The circumstances which probably gave rise to these proceedings, will be fully explained, by reference to a communication on the same subject, which I had the honor to submit to the Legislature of the last year, and to a Report of a Committee of the Senate thereon, which were published, and will be found on the files and with the documents of that session.

The services of General King in aid of the Claim, by his agency under the appointment of the Executive of Maine, having been heretofore recognized by this Government, I recommend that provision should be made for refunding to that State so much of the sum mentioned in one of the accompanying Resolutions, as has been paid to him on that account, *to be charged to the balance now remaining of the joint fund.* The persistance of Maine, after the explanations which have been frankly and repeatedly offered, in the demand for a distribution of the whole money received, without any deduction for expenses necessarily incurred, for the common benefit, in obtaining any allowance of the Claim, cannot but excite equal surprise and regret. It

is, or might be satisfactorily known to the government of that State, that the auditing of the accounts is now being diligently attended to, in the Department of War, under the special agency of a distinguished gentleman of this Commonwealth, and that further charges must be indispensable to the command of his valuable and acceptable services. A small balance only of the money heretofore received, has been retained to meet these charges, and the most explicit assurances have been given, that this would faithfully be accounted for, agreeably to the intention of the act of separation, whenever the business was closed. At the same time, a statement of the expenditures which had been incurred, was forwarded for the information of our sister State.

Independent of the manifest justice and propriety of placing the necessary expenses of prosecuting a joint claim, to the joint account, the government of Maine have expressly recognized the *right*, in this instance, so to do, by a formal Resolution heretofore passed, requesting that the very services of General King, which are made the occasion of the present demand, should be paid and charged, in such manner, by Massachusetts. I need not remind you that this would have been done, but for an incidental difficulty in adjusting his account, which induced to its being voluntarily withdrawn.

LEVI LINCOLN.

*Council Chamber, March 23, 1833.*

## CHAP. LXVI.

## RESOLVES

*On the Resolutions of Georgia, proposing a Convention of the People to revise the Constitution of the United States.*

March 23, 1833.

The Joint Select Committee, appointed to consider the Resolutions of the Legislature of Georgia, proposing a Convention of the People of the United States, for the Amendment, in various respects, of the Constitution, and also so much of the Governor's Special Message as relates thereto, have attended to the duty assigned them, and ask leave to submit the following Report.

The Resolutions of the State of Georgia propose to the other States of the Union the call of a Convention of the People, in conformity with the provisions of the fifth article of the Constitution, for the purpose of defining and making certain that instrument in regard of certain questions of disputed power, and for the purpose of altering it in other respects, wherein it needs amendment, in the opinion of the Legislature of Georgia. In the Preamble to their Resolutions, they premise that "throughout the United States there exist many controversies, growing out of the conflicting interests which have arisen among the people since the adoption of the Federal Constitution,—out of the cases in which Congress claims the right to act under constructive or im-

plied powers,—out of the disposition, shown by Congress, too frequently to act under assumed powers,—and out of the rights of jurisdiction, either claimed or exercised by the Supreme Court,”—all of which controversies, they allege, have a tendency to produce discontent and disaffection among the citizens of the United States, and ultimately to bring about a dissolution of the Union ; and upon these premises they conclude that experience has “clearly proved” the Constitution to need amendment in thirteen distinct particulars, which they proceed to set forth specifically, as the basis of their Resolutions. Your committee propose briefly to remark upon the several portions of the Preamble to the Resolutions, and in so doing they will have explained the grounds of the Resolves, which they offer to the consideration of the Senate and House of Representatives.

Your committee do not pretend to deny that “controversies” exist in some parts of the Union, “growing out of the conflicting interests, which have arisen among the people since the adoption of the Federal Constitution.” Such controversies, and such sources of controversy, are inseparable from the very existence of political society, and belong to the practical operation of every system of government in every country. They are not such as any modifications of the present Constitution could remove, or any prescribed form of fundamental law prevent. Of course, whatever may be the extent, nature, degree, or tendency of controversies of this description, they do not seem to your committee to afford any argument in favor of the call of a Convention.

And whatever controversies may have arisen out of “the cases, in which Congress claims the right to act under constructive or implied powers,” your Committee conceive that still less can such cases be admitted to



render the call of a Convention necessary or expedient. Prior to the time when the people of the United States adopted the Constitution, they possessed, either in themselves individually, or in their respective state governments, all the powers of sovereignty. That Constitution consists in part of a specification of powers, whereof the people saw fit to divest themselves or the States, in order to concede them to the government of the United States; and it is manifest that, according to the settled principles of constitutional jurisprudence, the Union cannot rightly claim any powers, other than such as are bestowed upon it by the Constitution. What those powers are, and what their extent, are in themselves essentially questions of construction, that is, of the legal meaning and effect of the terms of the instrument. Whether it shall be construed liberally, or whether it shall be construed strictly,—or whether neither liberally nor strictly, if there be any middle course,—still at any rate it must be construed in some way; and the force of any grant, in respect of the powers conveyed by it either expressly or impliedly, is and must forever continue to be a question of construction. That construction is a process of definition, dependant upon the same rules of law, philology, and common sense, which settle the construction of other instruments; and if any doubts arise thereon, the Constitution itself provides for the mode by which such doubts are to be removed, namely, by means of the Supreme Court of the United States. To assemble a convention for the purpose of making such construction, would not only be contrary to the tenor of the Constitution itself, but would serve to defeat its own object, because every definition or explanation, which a Convention should undertake to give, concerning questions which now exist, would of necessity

furnish the materials of new questions, just as difficult to decide as the old ones, and just as much requiring the interposition of a convention. Your Committee are of opinion that the Constitution, as it stands, is a model of clear, exact, intelligible specification and limitation, admirable for the distinctness of its language, remarkable as well for legal precision of expression, as for the profound political wisdom which characterizes it ; and they have no hopes that in these respects it could be improved as a whole by the labors of a new convention.

Your Committee, with all due respect for the Legislature of Georgia, feel bound to say they are not conscious that Congress has frequently *shewn a disposition* “ to act under assumed powers,”—provided the Legislature of Georgia understand by those words what alone the Committee can understand by them,—powers not conferred by the Constitution. Congress acts on the people through the medium of legislation, and it cannot so act without the concurrence of the Executive ; and the rules of conduct which Congress and the Executive conjointly prescribe in the form of laws, are subject to the revision of the Judiciary, by whom their constitutionality, and of course their validity, is to be judged. Your Committee deem this mode of redress amply sufficient, in the ordinary course of affairs, to protect the people against the *actual exercise* of usurped powers ; and they are wholly at a loss to perceive how a convention could govern and control the *disposition* of any future Congress.

The Supreme Court, in the judgment of your Committee, neither claims nor exercises “ any rights of jurisdiction” not vested in it by the Constitution. They are persuaded, on the contrary, from careful observation of the judgments of that august tribunal, that it has ever manifested a becoming diffidence of its own powers, a

disposition to act strictly within the prescribed boundaries of its constitutional functions, and a conscientious deference for the reserved rights of the States.

Your Committee are constrained to say thus much in reference to the premises laid down by the Legislature of Georgia, because the Committee cannot admit them to be sound, in any view of which they seem to be justly susceptible, as alleged inducements to the call of a Convention, or even as any genuine or adequate causes of such discontent among the people, as should menace the safety of the Union. And while the Committee deny that these general considerations afford any motives to constitutional action, they equally deny that past "experience" proves the necessity of altering the Constitution in the manner proposed by the state of Georgia.

The Legislature of Georgia seeks "amendment" of the Constitution,—

"First, That the powers delegated to the General Government, and the rights reserved to the States or to the people, may be more distinctly defined."

The Committee have already remarked upon this point, which is purely a matter of judicial construction, not of fundamental legislation by the agency of a Convention.

"Secondly, That the power of coercion by the General Government over the States, and the right of a State to resist an unconstitutional act of Congress, may be determined."

Your Committee conceive that these points are "determined" already by the Constitution. The people of the several States have bestowed certain specified powers upon the General Government, and all the citizens of the Union, whether acting individually as men, or collectively through the intervention of the constituted author-

ities of a State, are alike bound to yield obedience to the General Government within the limits prescribed by the Constitution. If Congress, or the Executive, overleap those limits, the Judiciary affords the means of immediate redress ; and the people, in the exercise of their functions as electors, can provide new depositaries of the legislative and executive power ; and if these remedies fail, and the public abuse and usurpation be of adequate magnitude to warrant recurrence to ultimate means of relief, there remains the right of revolution and of armed resistance. These principles, sufficiently clear in themselves, have already been acted upon by the Legislature in their decision upon the proceedings in South Carolina, and do not require any further elucidation ; and your Committee will only add that this subject of amendment, like the preceding, is also matter of judicial definition, not of constitutional organization.

“ Thirdly, That the principle involved in a tariff for the direct protection of domestic industry may be settled.”

Your Committee have only to refer, on this point, to the opinions heretofore expressed by the Legislature upon the constitutionality of protective tariff regulations, and to add that this also is a question of definition or construction.

“ Fourthly, That a system of federal taxation may be established, which shall be equal in its operation upon the whole people, and in all sections of the country.”

Your Committee, knowing that Congress has power to lay and collect taxes, duties, imposts and excises, do not perceive any cause, in the history of the country or the nature of the subject, for taking away that authority ; and they are not aware of any useful object to be attain-

ed by subjecting this part of the Constitution to revision by a Convention.

“Fifthly, That the jurisdiction and process of the Supreme Court may be clearly and unequivocally settled.”

Your Committee are of opinion that the jurisdiction of the Supreme Court, extending to all cases in law and equity arising under the Constitution, laws, and treaties of the Union, and to various other classes of cases described in the constitution, is therein defined with comprehensive precision, so far as it can be defined by means of language. Its process is matter of legislation, within the powers of Congress, and there is no need of the action of a Convention upon that point. And although an amendment of the Constitution might grant new powers to the Supreme Court, or abstract from it powers which it now possesses, the Committee do not perceive how its jurisdiction could be any more ‘clearly and unequivocally settled’ by a Convention.

“Sixthly, That a tribunal of last resort may be organized to settle disputes between the General Government and the States.”

Your Committee conceive such an object to be entirely impracticable ; and moreover, to be quite incompatible with the principles or the healthful action of the Constitution. The authority of the United States, under the Constitution, attaches to individuals, not to States ; and a Convention could neither cure nor prevent such ‘disputes,’ unless it should totally change the whole theory of the government, and interpose the authority of the States between individuals and the Union. The great distinction between our Constitution and the fundamental system of other federal governments is, that the latter were sovereignties over sovereignties, and that they legislated for political communities, and thus whenever either of the members of those confederacies chose to

disobey the commands of their general government, either a civil war or a dissolution of the confederacy ensued ; whereas the power of the United States acts upon private individuals, and thus holds the constitutional, as well as the physical means, to compel the obedience of the citizens of any refractory State. Your Committee regard this as one of the most beautiful and essential features of that admirable charter ; as the great object, in fact, which our forefathers sought to secure in substituting the present constitution in place of the old articles of confederation,—and as among the last of its provisions which we ought to be willing to abandon or jeopardize.

“ Seventhly, That the power of chartering a bank, and of granting incorporations, may be expressly given to or withheld from Congress.”

Your Committee cannot think it of any consequence now to introduce a clause into the Constitution, to the effect of expressly authorizing Congress to establish a bank or other corporation. The power of Congress is incontrovertibly settled in the point of general power, by the repeated action of Congress and of the Executive on the subject, and by adjudications of the Supreme Court. Of course the power of chartering a bank is to be deemed and taken as a part of the Constitution, just as much as if it had been expressly specified. No practical object could be answered by a Convention, in respect to this, unless to prohibit the establishment of a bank by Congress, which your Committee cannot recommend, impressed as they are with a strong sense of the utility and importance of a National Bank, to every portion of the Union.

“ Eighthly, That the practice of appropriating money for works of internal improvement, may be either sanc-

tioned by an express delegation of power, or restrained by express inhibition.”

If the Constitution were now to be framed, your Committee will not deny that it might be expedient to insert in it an explicit provision upon this vexed question. They are aware that grave differences of opinion have obtained among the most distinguished statesmen of the country, as to the power of Congress to make appropriations of money for objects of internal improvement, so called, within the limits of any of the States. Under the power to establish post roads, to regulate commerce, and to raise monies to provide for the general welfare, Congress has repeatedly authorized the execution, at the charge of the United States, in part or in whole, of public works of this description; and whatever questions have been, or may hereafter be raised, concerning the extent of this power, your Committee believe that the opinions and practice of the two Houses of Congress and the Executive, in their discussion and action upon the subject, will ere long have provided a safe construction of the Constitution in this respect, as they have done in others, where doubt once existed as to the meaning of that instrument. However this may be, your Committee do not think it is a matter which demands the call of a Convention; and that if the Constitution needs amendment in that particular, it should be provided by means of Congress, under the provisions in the fifth article of the Constitution.

“Ninthly, That it may be prescribed, what disposition shall be made of the surplus revenue, when such revenue is found to be on hand.”

“Tenthly, That the right to, and the mode of disposition of the public lands of the United States, may be settled.”

Your Committee are not aware that any serious constitutional difficulty exists in relation to these two subjects, which they deem to be mere questions of public policy and expediency, entirely within the competency of Congress.

“ Eleventhly, That the election of President and Vice President may be secured, in all cases, to the people.”

“ Twelfthly, That their tenure of office may be limited to one term.”

Whatever considerations there may be in favor of an amendment of the constitution in these particulars, and your committee admit that the expediency of a change in the second of them rests upon highly plausible grounds, yet the mode of amendment through the agency of Congress, pointed out by the Constitution, seems to them to be fully competent to effect such an amendment, whenever it shall be the will and desire of a decided majority of the people of the United States.

“ Lastly, that the rights of the Indians may be definitely settled.”

Your committee believe this to be purely a subject of judicial construction under the Constitution, laws, and treaties of the United States ; that the Supreme Court is competent to settle any questions appertaining to it, which do exist, or which may hereafter exist ; and that, of course, it offers no exigency requiring the call of a Convention.

In fine, the specific objects of amendment proposed by the State of Georgia, are of two kinds :—first, things wherein the true intendment of certain clauses of the Constitution may have been deemed questionable, which your Committee regard as the proper subject matter of judicial construction or definition, in the last resort of constitutional, as distinguished from extra constitutional



modes of procedure, and of course as not fitting objects of a Convention ; and secondly, things wherein specific alterations of, or additions to the Constitution may have been deemed expedient, which your committee regard as belonging to the competency of Congress, and by no means of such vital consequence as to justify the extraordinary step of a convention of the people of the United States.

Having thus adverted to the reasons on which the Legislature of Georgia found their proposition for the call of a Convention, and also to the specific objects of amendment which they propound for investigation, your committee have only to add in conclusion, that they conceive the meeting of a Convention of the people for the purpose of revising the Constitution, in these or any other respects, to be a remedy required only by pressing emergencies of national exigency ; and they apprehend that, under any subsisting state of public feeling, its tendency would be to create new questions of difficulty, and to augment the differences of opinion in regard to old ones, and thus to weaken, rather than confirm the power of the Union. The Legislature of Georgia have alleged various subjects of fundamental law as requiring the agency of a Convention, being such as the peculiar views or position of the State of Georgia have suggested to her Legislature. It would be easy for your committee to swell the number of subjects equally suitable for the consideration of a Convention with those under discussion, derived from the views and position of this Commonwealth ; and some of the latter class of subjects involve questions of public right, of national expediency, of constitutional organization, quite as important in themselves, and quite as dear to the convictions of the people of Massachusetts, as any of the former class can possibly be to

the people of Georgia. But your committee are content with the Constitution in the form they have received it from their fathers, regarding it as a monument of comprehension and sagacity, which the labors of a Convention might perhaps improve in some points, but which they would be more likely to unsettle and overturn, without possessing the capacity or the power to raise upon its ruins another equally noble fabric of political wisdom to supply its place. Whilst entertaining, therefore, all proper respect for the opinions of the Legislature of Georgia, and while solicitous to treat that State with deference as a coequal member of the Union, your committee, in view of the whole matter, recommend to the Legislature the adoption of the following Resolves.

For the Committee,

CALEB CUSHING.

*Whereas*, the Governor of the State of Georgia, did, by his communication under date of the twenty-eighth day of December last, transmit to His Excellency the Governor of this Commonwealth, copies of a certain Preamble and Resolutions connected therewith, recently adopted by the Legislature of said State of Georgia, and His Excellency did, by his Special Message of the sixteenth of January last, communicate the same to the Legislature of this Commonwealth :—

*And whereas*, in said Preamble and Resolutions it is set forth that, for certain reasons therein alleged, the State of Georgia doth make application to the Congress of the United States for the call of a Convention of the People to amend the Constitution in sundry particulars, enumerated in said Preamble, and in such others as the People may consider needful :—

*And whereas*, the specified subjects of amendment are either matters of definition or construction merely, arising on the face of the Constitution, as to which the meaning of the Constitution is already, or may hereafter be satisfactorily ascertained under the Constitution, and by means provided therein, and which matters do not properly come within the functions of a Convention ; or else matters of amendment suitable for the consideration of Congress, under the Fifth Article of the Constitution, and not of such vital moment as to require the call of a Convention :—Therefore,

1. *Resolved*, That the Legislature of this Commonwealth do not concur in the proposition of the State of Georgia, inviting a Convention of the People of the United States, for the purpose of amending the Constitution.

2. *Resolved*, That His Excellency the Governor be requested to transmit a copy of these Resolves, together with the Report which accompanies them, to the President of the United States, to the Governors of all the States, and to each of the Senators and Representatives of this Commonwealth in Congress.

## CHAP. LXVII.

## RESOLVES

*Respecting Internal Improvements.*

March 23, 1833.

The Committee of both Houses to whom were referred certain Resolutions of the Legislatures of Tennessee and Georgia, on the subject of Internal Improvements under the authority of the General Government, have considered the same, and submit a Report.

The Resolutions transmitted for the consideration of the Legislature of this State, by the States of Tennessee and Georgia, deny the right of the General Government to make appropriations from the National Treasury for the purpose of promoting Internal Improvements. The Resolutions do not in their terms require any action on the part of this State other than such as courtesy to the Legislature of a sister state may dictate. While they assert that the General Government does not possess the power under the Constitution of promoting Internal Improvements,—an opinion which might with more propriety and greater practical effect be asserted by the Representatives of those States in Congress,—they do not propose to call a Convention by the concurrent request of two thirds of the states, for the purpose of amending the Constitution on this subject, either by repealing or restraining the power which Congress has assumed to exercise, or “by specifying the occasion, the manner and extent of the appropriations to be made in aid of Internal

Improvements," as recommended by President Jackson in his veto message on the Lexington and Maysville Turnpike Road Bill.

At a time when Resolutions are received almost daily, from various states in the Union, upon subjects of deep moment and exciting interest, it might become this Legislature to pause, and inquire into the expediency of giving a formal and distinct answer to every Resolution of a sister state, whether originating in the sudden heat of party excitement, or merely assailing for popular or temporary effect the constitutional power of the national government, on subjects over which it has claimed and exercised jurisdiction from an early period, and under many successive administrations.

The subject of Internal Improvements has been fully and frequently discussed in Congress, and was ably treated in the report of a Committee of the last General Court of this state, which received the sanction of one branch of the Legislature, but came up too late for the action of the other branch. It cannot now be necessary for the Committee to present an elaborate view of the subject; and they will confine their remarks to the Resolutions which they have had under consideration, and to a brief exhibition of the reasons which have induced them to dissent from the sentiments expressed in those Resolutions.

The Report accompanying the Resolutions of Georgia, affects to consider Internal Improvements by the national government, as among "the plans of usurpation and consolidation" marked out and advocated by "the friends of manufacturing monopolists." The connection between the power to promote internal improvements and the right of protecting American industry, is not in their constitutional origin, so much as in their beneficent effects

and influences on the general welfare of the whole country. Each power stands in the Constitution on independent ground, and each may be exercised alone, with manifest benefits to the country. But the exercise of either power unquestionably contributes much in aid of the other, by giving to the products of domestic industry, whether employed in the fisheries, manufactures, or agriculture, a cheaper and easier access to the home market, thus increasing the demand by cheapening the supply in the only certain, and a constantly extending market.

Increased facilities for intercommunication between remote parts of the Union, will tend to such "consolidation" only, as results from mutual interests, frequent social and commercial intercourse, and a constant interchange of sentiment and kind offices. The direct effect of internal improvements of a national character, is to bring into closer contact and firmer union all the sections of our country, and to consolidate the Union by the strong ties of interest, and by a common conviction of the mutual dependence of the parts on each other, and of all upon the Union.

The resolutions of Tennessee and Georgia concur in deprecating "the exercise of the power which has been assumed by Congress, of appropriating money out of the Treasury of the United States, to be expended upon local objects of improvements within the several states, and in subscribing for stock under state incorporations."

One of the resolutions of Tennessee most cordially approves "of the views and sentiments of President Jackson in relation to internal improvements by the General Government, as expressed in his Veto Message, communicated to the Congress of the United States, upon the Lexington and Maysville Turnpike Road Bill;" and the Report accompanying the Resolutions of Georgia, also

refers to that Message in terms of commendation. The advocates of internal improvements have never claimed for the national government, a right to apply its powers or funds to projects of internal improvement, exclusively local in design, effect and character. They do contend, however, that the national funds may be applied to improvements of "a general, not local--national, not state" character. It matters not how limited in extent may be the improvement, or how narrow may be its locality ; if, in itself, or as an essential link in a chain of communication, it will directly promote "the general welfare of the United States," it deserves, and may, by the Constitution, receive the aid and patronage of the General Government, by an appropriation of funds. The improvement of the navigation of the Ohio and Mississippi--the great highways of the western states--the Chesapeake and Ohio Canal, and the Cumberland Road, are prominent illustrations of the exercise of this power. Many other examples might be adduced of improvements within the limits of a single state, which would not be accomplished by the funds and enterprize either of states or individuals, unaided by the General Government, which are yet decidedly of national utility and character, and in the success of which, the state within whose borders they may happen to be situated, has much less interest than many other states in the Union. To the sound discretion of Congress, always responsible through its members to the people, may be safely entrusted the power of determining what are national objects of improvement,—much more safely than to any single individual, whatever may be his station. The exercise of such a power by Congress, in selecting the objects of improvement within the country, and in regulating the amount of appropriation for each object, is neither more

difficult nor dangerous than the selection of the points for light-houses, piers, buoys, break-waters, navy yards, and other improvements on the sea board, for the benefit and security of commerce.

The Constitution of the United States declares, that "the Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the *common defence and general welfare* of the United States." The power to raise and appropriate money, to provide for the common defence and general welfare of the United States, is a distinct and substantive power in itself, independent of other powers vested by that instrument in Congress. This is the reasonable and obvious construction of this clause of the Constitution, which has been sanctioned by the legislation of Congress for a long period of years, and by the express assent of many, and by the tacit acquiescence of nearly all the States. Those who have doubted, or denied the constitutional power of the National Government to construct a road or canal within a State, either with or without the assent of such State, have nevertheless admitted the right of appropriating money from the National Treasury to aid in such works, by subscribing for stock in any corporation which may be created by a State, for the purpose of making such road or canal. Congress has exercised this power under the successive administrations of Jefferson, Madison, Monroe and Adams, and has given a settled construction to the Constitution.

The message of President Jackson, after referring to this practical construction of the Constitution, and to the repeated and long continued legislation of Congress, and the acts or opinions of successive Presidents on this subject, distinctly recognizes the right of appropriating the national funds to national objects of improvement,



by subscribing for stock in state corporations. Although the existence of this power, were it now about to be exercised for the first time, might be questioned, as he thinks, and would admit of a difference of opinion, yet that a long series of acts, founded on the assumption of the existence of such a power, passed by Congress, approved by many of the States, and acquiesced in by the people, had put the question at rest, and given to this construction of the Constitution the authority of the Supreme Law. The message declares, that "the public good, the nature of our political institutions, require that individual differences should yield to a well settled acquiescence of the people, and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede thus much to the spirit of our institutions would impair their stability, and defeat the objects of the Constitution itself." With an authority cordially approved by Tennessee and Georgia, against the opinion of those States, as declared in their resolutions, it may not require any further argument to prove, that Congress has the right under the Constitution to make appropriations for such internal improvements as will promote "the general welfare."

The message, it is true, doubts the expediency of exercising this power, while the national debt shall remain unpaid, and suggests the propriety of amending the Constitution, by specifying or regulating the occasion, the manner and extent of the appropriations to be made in aid of internal improvements. The Committee, however, can conceive of no safer or wiser regulation on this subject, than that now provided in the Constitution, by which the occasion, manner and extent of such appropriations are submitted, in every case, to the

judgment of the representatives of the people in Congress.

The Committee have considered the Constitutional right, and not the expediency of making such appropriations. The latter branch of the subject may more benefit the Congress of the United States, than the Legislature of an individual state. The Committee, however, do not entertain a doubt of the propriety of exercising this power, whenever and wherever the "common defence and general welfare" of the nation may be promoted, limited only by the means of the government, and a due regard to equality in the distribution, and to economy in the expenditure of the national revenue. By appropriations to purchase stock in corporations, by whose agency public works of national importance and utility shall be constructed, individuals, states, and the national government may combine their skill and means "to provide for the common defence and general welfare" of the country, without any conflict of interests or jurisdiction, and with the best guarantee that the improvements will be works of practical and national utility, and will be accomplished with the greatest skill, and at the least expense. The amount of the appropriations can in this way be apportioned to the degree of national benefit which will result from any proposed improvement, leaving to individuals or states to bear the expense of the work, to the extent, that it is of local or private advantage only; and this power of the national government will be seen and felt by the people and the states only in its beneficent action upon them.

No state in the union is more able than Massachusetts to construct such works of internal improvement as her situation may require, but no state has been more willing to sanction appropriations from the national

treasury to promote such improvements wherever they may be required for the common defence or the general welfare. She may truly say with Pennsylvania, that she “has uniformly, with a magnanimity and a spirit of patriotism, which does her honor, advocated and maintained the Constitutional right of the General Government to aid in the construction of works of internal improvements, of a national character, tending to bind, and to connect more closely together, the remote parts of our widely extended territory ; to multiply the facilities of communication between different parts of the union ; to diminish time and distance in the intercourse of its citizens with each other ; to beget, by means of such intercourse, feelings of amity, kindness and friendship, instead of those sectional jealousies, local prejudices, and unkind and uncharitable prepossessions, which a want of free and friendly intercommunication is always seen to produce ; and generally, to increase the comforts and promote the prosperity and happiness of the people of the United States.”

There are other provisions of the Constitution, which might be adduced, as authorizing Congress to make internal improvements in the several states, independent of the consent or co-operation of the states, such as the power “to regulate commerce with foreign nations and among the several states ;” “to establish post offices and post roads ;” and “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.” But as the same objects, which might be attained by the exercise of these powers incidentally vested in Congress, can generally be accomplished with less difficulty, and more acceptably to the country by the means of appropriations and through the agency of state corporations, in the manner herein ex-

plained,—the Committee have not deemed it necessary to advert to the nature or extent of the powers conferred on Congress by these clauses in the Constitution.

With these views of the subject, the Committee submit the accompanying Resolutions.

All which is respectfully submitted.

By order of the Committee.

WM. S. HASTINGS.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, That the Government of the United States is invested by the Constitution with the power of appropriating money to promote such Internal Improvements in the several states, as, in the judgment of Congress, shall be necessary, or conducive to the common defence or the general welfare of the United States.*

*Resolved, That His Excellency the Governor be requested to transmit copies of these Resolutions to the Governors of the States of Georgia, Tennessee and Maine.*

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## CHAP. LXVIII.

*Resolve making a further appropriation for the Survey of the Commonwealth.*

March 25, 1833.

*Resolved, That His Excellency the Governor, with the advice and consent of the Council, be, and he is hereby*

authorized to draw his warrant from time to time, upon the treasurer of the Commonwealth, for any sum or sums, not exceeding eight thousand two hundred dollars, in addition to the sums heretofore appropriated, which may be necessary to carry more fully into effect the resolve authorizing a general survey of the Commonwealth, passed on the third day of March, A. D. 1830, and the resolves in addition thereto; and he is further authorized to apply such portion of the above named sum, not exceeding three hundred dollars, as may be necessary for completing the geological examination of the Commonwealth, provided for by a resolve passed on the fifth day of June, A. D. 1830.

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## CHAP. LXIX.

*Resolve for settling the Accounts of the Land Agent.*

March 25, 1833.

*Resolved*, That George W. Coffin, land agent of the Commonwealth, be, and he hereby is discharged from the payment of the sum of one hundred and eighty-one thousand, three hundred and seventy-six dollars and eighteen cents, the receipt of which is acknowledged in his account with the Commonwealth, for the year ending on the 31st of January, 1833; and that he is authorized to credit to the Commonwealth, in his next account, the sum of five thousand dollars, remaining in his hands, as a balance from the last account.

## CHAP. LXX.

*Resolve for ascertaining the boundary of certain Towns in this Commonwealth, adjoining the State of Rhode Island.*

March 25, 1833.

*Resolved*, That the commissioners to be appointed to ascertain the boundary line between the town of Swansey, in this State, and the town of Warren, in Rhode Island, in pursuance of a resolve passed January 25, of the present year, be, and they are hereby empowered to ascertain the boundary of the towns in this State, on the line of its southern boundary, between the towns of Seekonk and Westport and the intermediate towns, not provided for in the above named resolve.

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## CHAP. LXXI.

*Resolve on the Petition of Samuel Lathrop and Aaron Day.*

March 25, 1833.

*Resolved*, For the reasons set forth in said petition, that Samuel Lathrop and Aaron Day, trustees of certain real estate, late of Seth Lathrop, deceased, situated in West Springfield, in the county of Hampden, and held by said trustees for the benefit of the family of Edward

Lathrop, son of the said Seth, are hereby empowered to sell the said real estate at public or private sale, and to convey the same by deed, and to invest the proceeds in other real estate within or without this Commonwealth, so as best to subserve the interests of the family of said Edward Lathrop.

*Provided*, That the said trustees shall, before acting under the authority aforesaid, furnish evidence to the judge of probate within and for the county of Hampden, that all parties in interest have given their assent to such sale, and to the object thereof, and shall also obtain the opinion of said judge that the interests of the family of said Edward Lathrop will be essentially promoted thereby.

## CHAP. LXXII.

*Resolve on the Petition of Samuel Hubbard.*

March 25, 1833.

*Resolved*, For the reasons set forth in the petition of Samuel Hubbard, guardian of Thomas Hancock, of Boston, that the said guardian is hereby empowered to sell and convey, on such terms, and for such prices as said guardian shall deem expedient, and by public vendue or private sale, all or any part of the right, title, interest and estate of the said Thomas Hancock, in and to all or any part of the lands, flats, and real estate in said Boston, formerly owned by John Hancock, Esq., deceased, and situate between Commercial street and Fleet street, bounded northwesterly on Ann street, and extending southeasterly

towards the harbor channel ; and all rights, easements, privileges and appurtenances thereto belonging ;—and to make and execute good and sufficient deed or deeds thereof, to convey the same to the purchaser or purchasers, his or their heirs and assigns in fee simple. *Provided*, that no deed of any part of said real estate shall be executed by said guardian, until he shall have given the bonds required by law to be given by guardians, on the sale of real estate belonging to their wards.

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### CHAP. LXXIII.

*Resolve on the Petition of Edmund T. Hastings.*

March 25, 1833.

*Resolved*, For the reasons set forth in said petition, that Edmund T. Hastings, guardian of Martha Ann Turner May, is hereby empowered to sell and dispose of, by public sale or private contract, and by his deed or deeds duly executed, acknowledged and recorded, to convey all the right, title, estate and interest of the said Martha Ann Turner May, in and to a certain parcel of real estate situated on the northerly side of Bedford street, in the city of Boston, in the county of Suffolk, with all the privileges, easements and appurtenances thereto belonging, being the same described and conveyed in a certain deed from Hepsibah Jones to Robert Turner, and his children Martha Ann, George T., and Louisiana Turner, dated the thirtieth day of April, in the year of our Lord eighteen hundred and twenty-one, and recorded with Suffolk deeds, lib. 309, fol. 79.



*Provided*, that the said Edmund T. Hastings, as such guardian, shall first make and execute, in due form of law, a bond, with sufficient sureties, to the judge of probate of the county of Suffolk, and to the acceptance of the said judge, with condition that the said Hastings shall well and truly account for the proceeds of any sale which he may make by virtue of the authority hereby given.

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CHAP. LXXIV.

*Resolve upon the Petition of George Read.*

March 25, 1833.

*Resolved*, That George Read, executor of the last will and testament of John Read, late of Boston, deceased, for the reasons set forth in his petition, is hereby empowered to sell by public auction, so much of the real estate of said deceased, situate in Roxbury, in the county of Norfolk, and described as follows, to wit: a lot of land with an old wooden dwelling house, barn, and outhouses standing thereon; a lot of wood land near the Dedham turnpike, and a lot of marsh land near Pine island, where the same can best be spared, as shall be sufficient to raise the sum of five thousand eight hundred forty-nine dollars and seventy-nine cents, together with interest thereon from the twenty-ninth day of December, in the year of our Lord one thousand eight hundred and twenty-eight, for the payment of the debts of said deceased, and twenty dollars more for incidental charges, and to make, execute, acknowledge

and deliver, in due form of law, good and sufficient deed and deeds thereof, to the purchaser and purchasers : *provided*, that the said George, executor as aforesaid, shall first give bonds, with sufficient sureties, to the judge of probate for the county of Suffolk, that he will observe the rules and directions at law for the sale of real estates by executors and administrators, and in all things relating to said sale govern himself by the laws of the Commonwealth, so that the interest of the creditors of said deceased shall be best secured ; and thereof, and of his whole proceedings in the premises, shall render upon oath a just and true account to the judge of probate for the time being of said county of Suffolk, when, and so often as he shall be thereunto required ; and take the oath required to be taken by executors and administrators previous to the sale of real estate, and shall also give public notice of said sale, by printing a notification thereof, three weeks successively, in the newspaper called the Boston Daily Advertiser and Patriot, printed in said Boston, and in the newspaper called the Norfolk Advertiser, printed in Dedham. And the said George, executor as aforesaid, is hereby further empowered to perpetuate the evidence that such notice was given of said sale as above directed, in the probate court in said county of Suffolk, in the same way and manner as is by law provided for executors and administrators, respecting the sale of real estates, and perpetuating evidence of the notice thereof.

CHAP. LXXV.

*Resolve on the petition of Maria F. Greenough, Guardian.*

March 25, 1833.

On the petition of Maria F. Greenough, as guardian of her five minor children, praying that her acts done under a resolve of the legislature, made and passed on or about the tenth day of February, in the year of our Lord one thousand eight hundred and thirty-two, may be confirmed, and for the reasons therein set forth,

*Resolved*, That the sale and conveyance of said minors' right, title, and estate in and to one undivided moiety of a certain island in Boston harbor, known by the name of Noddle's Island, made by said Maria, on or about the twenty-first day of February, in the year of our Lord one thousand eight hundred and thirty-two, by a deed of that date, recorded with the Suffolk deeds in lib. 362, fol. 215, be, and the same are hereby confirmed.

And said Maria is hereby empowered to make and execute, acknowledge and deliver such other and further conveyances to the grantees named in the deed aforesaid, as, in the opinion of herself or counsel, shall be proper or necessary to pass and confirm to them in fee simple, the right, title and interest of said minors, in and to the premises mentioned in the deed aforesaid, free from all conditions.

## CHAP. LXXVI.

*Resolve making an allowance to Linus Bagg and Joshua Harrington, from the Treasury.*

March 25, 1833.

*Resolved*, That there be paid from the treasury of the Commonwealth, to Linus Bagg, member of the House of Representatives, from West Springfield, the sum of twenty dollars, and to Joshua Harrington, member of the House of Representatives, from Grafton, the sum of thirty dollars, said sums being for extra expenses incurred by those gentlemen in travelling to their respective homes, during the sessions of the last and present legislature, in consequence of severe illness, and that warrants be drawn therefor.

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## CHAP. LXXVII.

*Resolve for paying the Commissioners appointed to investigate the Pauper System, for their services and expenses.*

March 25, 1833.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Josiah Caldwell, Esquire, the sum of fifteen dollars, and to Joseph Tuckerman, the sum of two hundred and twenty-six dollars,

eighty-eight cents, in full for their respective services and expenses as commissioners appointed to investigate the pauper system; and His Excellency the Governor is requested, by and with advice of Council, to draw his warrant accordingly therefor.

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## CHAP. LXXVIII.

*Resolve in favor of John V. Low.*

March 25, 1833.

*Resolved*, That there be paid from the treasury of the Commonwealth to John V. Low, assistant messenger to the Governor and Council, two dollars per day for each day he has been or may be employed in that capacity during the present session of the council, and that a warrant be drawn therefor.

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## CHAP. LXXIX.

*Resolve on the petition of Hiram Wadsworth, administrator upon the estate of John Wadsworth.*

March 26, 1833.

*Resolved*, for reasons set forth in said petition, that the said administrator is hereby authorized to sell and convey, by good and sufficient deed of the same, at pri-

vate sale, a tract of land containing about forty acres, situated on both sides of Ware River in the town of Barre, being the land of said intestate, described in said petition, to which reference may be had : *provided*, that before said administrator shall execute such deed pursuant to the authority hereby given, he shall make and execute, in due form of law, a bond with sufficient surety or sureties, to the acceptance of the judge of probate of the county of Worcester, in such penalty as said judge may require, with condition that the said administrator shall well and truly account for such sum, as he may receive in way of consideration for said conveyance.

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## CHAP. LXXX.

*Resolve in favor of Jonathan Shove.*

March 26, 1833.

*Resolved*, That there be paid out of the treasury of the Commonwealth to Jonathan Shove of Danvers the sum of seventy-six dollars, being the amount omitted on the pay roll of his attendance and travel as a member of the last General Court, and that a warrant be drawn therefor.

CHAP. LXXXI.

*Resolve to pay the Chaplains.*

March 26, 1833.

*Resolved*, That there be paid out of the treasury, to Rev. George W. Blagden, chaplain of the Senate, and to Rev. Howard Malcom, chaplain of the House of Representatives, the sum of sixty dollars each, and that a warrant be granted therefor.

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CHAP. LXXXII.

*Resolve for the pay of the Council, Senate, and House of Representatives.*

March 26, 1833.

*Resolved*, That there be paid out of the treasury of this Commonwealth, to each member of the Senate and House of Representatives, two dollars for each and every day's attendance as such, the present political year, and the like sum of two dollars for every ten miles travel from their respective places of abode, once in each session, to the place of the sitting of the General Court; and also to each member of the Council, two dollars for each day's attendance at that board, at every session thereof during the present political year, and the like sum of two dollars for every ten miles travel

from their respective places of abode, once in each session thereof; and to the President of the Senate and Speaker of the House of Representatives each, two dollars for each and every day's attendance, in addition to their pay as members; and His Excellency the Governor, with advice and consent of the Council, is hereby authorized and requested to draw his warrant accordingly.

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## CHAP. LXXXIII.

*Resolve to pay Jacob Kuhn.*

March 27, 1833.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Jacob Kuhn, in full for his services as messenger of the General Court and for his care of the State House, and all other services rendered by him, including those mentioned in a resolve passed on the nineteenth day of October, in the year of our Lord one thousand eight hundred and fourteen, from the first day of January last, to the first day of January next, the sum of one thousand dollars, payable quarter yearly; and His Excellency the Governor, with the advice of Council, is hereby authorized and requested to draw his warrant accordingly.



CHAP. LXXXIV.

*A Resolve for distributing the Printed Copies of the Journal of the Convention of 1780.*

March 27, 1833.

*Resolved*, That the printed copies of the Journal of the Convention of 1780, now remaining in the office of the secretary of the Commonwealth, be distributed in the following manner, to wit :

Six copies to the Governor,

Three copies to the Lieutenant Governor,

One copy to each member of the Council, Senate, and House of Representatives,

One copy to each Judge of the Supreme Judicial Court, and of the Court of Common Pleas,

One copy each, to the Secretary, Treasurer, Attorney General, and to each of the Clerks and Chaplains of the two houses,

Two copies each, to Harvard University and to Amherst and Williams Colleges,

One copy each, to the Theological Seminaries at Andover and Newton,

One copy each, to every incorporated Atheneum in this Commonwealth,

One copy to each County Law Library,

One copy to the American Academy of Arts and Sciences,

One copy to the Boston Society of Natural History,

Two copies to the Library of the United States,

One copy to the Executive of each State in the

Union, and the remaining copies to be disposed of in such manner as His Excellency the Governor may direct.

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### CHAP. LXXXV.

*Resolve in favor of Allen Potter.*

March 27, 1833.

Upon the petition of Allen Potter, praying that the amount paid by him upon two forfeited recognizances, may be refunded from the treasury of the Commonwealth ;

*Resolved*, That, for reasons set forth in said petition, the sum of four hundred dollars be paid out of the treasury of this Commonwealth, to Allen Potter ; and that His Excellency the Governor be authorized and requested to draw his warrant accordingly.

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### CHAP. LXXXVI.

*Resolves to provide for the Reception of the President of the United States.*

March 27, 1833.

Whereas information has been received, that the President of the United States proposes to visit New England during the current year, and that he may be pre-

sent in the capital of this state on the next anniversary of the Declaration of Independence : and whereas it has been the ancient usage, and the uniform desire of this Commonwealth, to receive the visits of distinguished public men, and especially of the chief magistrates of the Union, with respect and hospitality ;—Therefore,

*Resolved by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled,* That His Excellency the Governor be, and he hereby is authorized and requested, to tender to the President of the United States, if he shall visit this Commonwealth during the present year, the customary hospitalities, and the respectful congratulations of the State.

*Resolved,* That a Committee, consisting of the President and five members of the Senate, viz. Messrs. Blake, Hastings, Austin, Merrill, and D. Putnam, and of the Speaker and six members of the House of Representatives, viz. Messrs. White of B., Cushing of D., Greene of N. Bedford, Keyes of C., Thayer of U., and Sprague of B., be appointed, who are hereby authorized to make all suitable arrangements, in the name and behalf of the state, for the proper reception of the President of the United States, if his visit to this state shall occur before the next session of the General Court ; and also for the celebration of the next anniversary of the Declaration of Independence, if it shall be the pleasure of the President to be present at the capital of the state on that occasion.

*Resolved,* That His Excellency the Governor, by and with the advice of the Council, be, and he hereby is authorized to draw his warrant on the Treasury for such sum, as may be necessary for the purposes aforesaid.

## CHAP. LXXXVII.

*Resolve providing for the safe keeping of certain Papers relating to the separation of this Commonwealth from the State of Maine.*

March 27, 1833.

*Resolved*, That the General Court concur in the disposition which the Legislature of the State of Maine propose to make of certain papers, relating to the separation of this Commonwealth from that State, by their Resolve of the ninth of February, of this year, so far as the same may regard any journals or other documents now remaining in the hands of the secretary to the commission, which was constituted under the act of separation, and which has ceased to exist by the limitation contained in said act.

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## CHAP. LXXXVIII.

*Resolves for grants to certain Officers and Soldiers of the Revolutionary War.*

March 27, 1833.

*Resolved*, That each non-commissioned officer and soldier of the Revolution, who enlisted for and served a term of not less than three years at one time, who at the time of his enlistment was and now is an inhabitant of the present Commonwealth of Massachusetts, and

who has not already received money or land under the provisions of previous resolves, and each widow of any such officer or soldier who was at the time of his decease an inhabitant of this Commonwealth, shall be entitled to receive two hundred acres of land, to be selected from any of the lots not already taken, in either of the following townships, namely, number four of the second range—number two of the third range in the county of Somerset, and number two of the seventh range in the county of Penobscot.

*Resolved*, That the Land Agent is hereby authorized to cause a survey of this land aforesaid, and to execute conveyances thereof to such of the officers, soldiers and widows aforesaid, as shall elect to receive the same, and shall prove their claims to the satisfaction of the Land Agent on or before the fourth day of March, in the year one thousand eight hundred and thirty-five.

*Resolved*, That to such of said officers, soldiers and widows as shall so elect, instead of the grant of land aforesaid, there shall be paid, upon proof of their claims as is before provided, out of the Treasury of this Commonwealth, the sum of fifty dollars, and the Governor, with the advice and consent of the council, is hereby authorized to draw his warrants accordingly.

## CHAP. LXXXIX.

*Resolve on the Communication of the Acting Quarter Master General.*

March 27, 1833.

*Resolved*, That the sum of four thousand dollars be, and the same hereby is appropriated, to defray the expenses of the Quarter Master General's Department, and His Excellency the Governor, with the advice of the Council, is hereby authorized to draw his warrant on the Treasurer for the same, in such sums, and at such times, as the public service may require, in favor of the Acting Quarter Master General, for the faithful appropriation of which he is to be accountable.

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## CHAP. XC.

*Resolve authorizing the Guardian of the minor children of Charles Thorndike, deceased, to enter an appeal from the Court of Probate.*

March 27, 1833.

On the petition of Mary M. Thorndike, widow of Charles Thorndike, late of the city of Boston, merchant, deceased, Charles G. Loring, administrator of the estate of said Charles Thorndike, and Charles Brown, guardian of the children of said Charles Thorndike.

*Resolved*, That the said Charles Brown, in his capacity of guardian as aforesaid, and on behalf of his said wards, is hereby empowered to enter and prosecute, in the Supreme Judicial Court, at the term thereof holden at Boston, within the county of Suffolk, and for the counties of Suffolk and Nantucket, on the first Tuesday of March, in the year of our Lord one thousand eight hundred and thirty-three, the appeal of said minors from the decree of the judge of probate for the county of Suffolk, passed on the eleventh day of March last, aforesaid, disallowing a certain instrument presented by said Brown to said probate court for approval and allowance, as the last will and testament of the said Charles Thorndike, in the same manner in which said appeal might have been entered and prosecuted, at the next November term of the said Supreme Judicial Court for the county of Suffolk, any law to the contrary notwithstanding. *Provided however*, that the said widow and administrator of said Charles Thorndike, shall, in writing, certify to the justices of the supreme judicial court, their consent to such entry of said appeal.

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## CHAP. XCI.

*Resolve to reimburse the State of Maine, for Monies paid William King.*

March 27, 1833.

*Resolved*, That the treasurer of the Commonwealth be, and he hereby is authorized and required to pay to the State of Maine, the sum of fifteen hundred dollars,

for monies disbursed by said State for the services and expenses of William King, in prosecuting "the Militia Claims upon the United States ;" said sum to be charged to the balance now remaining of the joint fund belonging to the said State of Maine and this Commonwealth. And His Excellency the Governor, with advice of the Council, is hereby authorized and requested to draw his warrant on the Treasurer accordingly.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of these Resolves, and of the preceding report, to the Governor of the State of Maine.

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## CHAP. XCII..

*Resolve to provide for Fuel, and for other purposes.*

March 27, 1833.

*Resolved*, That there be paid out of the treasury, to Jacob Kuhn, messenger of the General Court, twelve hundred dollars, to enable him to purchase fuel and other necessary articles for the use of the General Court, the Council Chamber, Land Office, and the offices of the Secretary, Treasurer, and Adjutant and Quarter Master General, said Kuhn to be accountable for the expenditure of the same ; and that a warrant be drawn therefor.



## CHAP. XCIII.

*To the Honorable Senate ;—*

A Bill, entitled “ An Act in further addition to an Act for regulating, governing and training the Militia of this Commonwealth,” has been laid before me for my approval. This I feel most painfully constrained by an imperative sense of official obligation to withhold, and to return the Bill to the Honorable Senate where it originated, with my objections to its passage into the form of a Law of the Commonwealth.

By the Constitution of the United States, which is a compact of the whole people with each other, and by the consent of all is made the supreme law of the land, the power “ to provide for organizing, arming, and disciplining the Militia,” is given to Congress ; and the necessity of a well regulated militia to the security of a free State is explicitly recognized and declared. From this general power over the whole subject, in the most broad and comprehensive terms, there was reserved to the States respectively, the appointment of the Officers, and the authority of training the Militia, *according to the discipline prescribed by Congress*. As the objections which I entertain to the passage of the Bill before me, are mainly of a constitutional character, growing out of the foregoing provisions of the Constitution of the United States, and of the laws which have been subsequently enacted, in pursuance thereto, it may be useful first to consider in what manner the authority over the Militia is distributed, and to what extent it can be exercised by Congress and the States, respectively.

The power to organize, to arm, and to discipline, is vested in Congress. The *organization* implies the right to prescribe who shall be made liable to the duty of militia service, and their arrangement into distinct Bands and Corps for its performance. The *arming* respects the authority to prescribe the appropriate arms and accoutrements with which the Militia shall be provided, and with which they shall be exercised. And the *disciplining* implies instruction in the use of these arms, and in the drill required for the knowledge of the soldier in parade, evolution, and manœuvre, under the organization to which the Militia may be subjected. These positions are plain, simple, and incontrovertible, and comprise the powers which Congress may exercise over the Militia of the Union. The *reserved* authority to the States, to appoint Officers, and to train the Militia, may be considered subordinate to, and dependent upon the previous action of the National Government in the exercise of the *delegated* authority. Unless, under the latter, the Citizens are enrolled and organized into Companies, Battalions, Regiments, Brigades, and Divisions, the character, rank, and authority of the Officers to be appointed by the States cannot be determined; for the offices dependent upon this organization not being created, no appointments could be made. And again, unless Congress prescribe the discipline, the reserved power to the States to train the Militia, which is restricted to the mode of discipline thus to be prescribed, does not practically exist. It will readily be admitted, that the states could not adopt an organization, nor enforce a system of discipline of their own. A failure on the part of Congress to enrol for organization, would devolve no more right upon the states to direct that enrolment, than a failure to exercise any other of the delegated powers, such as the coining

of money, passing acts of naturalization, or of bankruptcy, establishing Post offices, &c., would authorize the State Governments to pass Laws for the accomplishment of such objects. By the 10th Article of the Amendments to the Constitution, it is declared, that "the powers not delegated to the United States, nor prohibited to the states, are reserved to the states respectively, or to the people." The expression is in the disjunctive, and by an obvious and just construction, if the power be either thus delegated, or prohibited, it no longer remains to the states. On the other hand, the exercise by Congress of the delegated power imposes the obligation upon the states to act in conformity to it, under their reserved authority. They are bound to provide for the appointment of officers, according to the manner of organization, and also to require the trainings in pursuance of the discipline which may be prescribed. Otherwise, the reserved are repugnant to, and destructive of, the delegated powers. If the states may be at liberty to refuse to provide for the election and appointment of officers, and the trainings of the Militia, the power to organize and to discipline becomes utterly nugatory. Without officers there can be no such thing as military organization, and without training there is no military discipline. Whenever, therefore, under the Constitution, Congress provide for the organization of the Militia, the respective states are bound to the appointment of officers appropriate to that organization; and they are no less obliged to give effect to the instruction, which is required by the system of discipline which is prescribed. Both these obligations rest upon the same authority. It will not be pretended by any one, that the Legislature of a state may neglect to enact, or may repeal an enactment, by which the offices, created under the form of organization provided by

Congress, may be filled. Neither can it be more competent to prevent the trainings, which may be necessary for instruction and practice in the prescribed discipline. The objection against the Bill may well rest here, if it can be shown that it contravenes the authority exercised by Congress, either in directing the organization, or prescribing the discipline of the Militia. That such is the case, I will now endeavor to make manifest by comparing the Law of the United States, in a few particulars, with some of the provisions of the Bill from the Legislature.

By the third section of the Act of Congress, entitled "An Act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," passed May 8, 1792, and yet in full force, it is required, that the Militia of the respective states shall be arranged into Divisions, Brigades, Regiments, Battalions, and Companies, as the Legislature of each state shall direct. The mode of arrangement is made imperative upon the states. The Legislatures are to direct how it shall be effected, by reference to locality, and the association of minor corps to constitute larger bodies, as, for instance, to determine within what limits a company shall be formed ; what companies shall compose a battalion or regiment ; and what regiments a brigade, &c. : but they are not at liberty to dispense with, or change the prescribed arrangement. The object of the act professes to be, to establish an uniform militia throughout the United States, and this uniformity was intended to be secured by a like organization of the whole militia into divisions, brigades, regiments, &c. The sound and practical construction of this provision has been, that with Congress rests the form of the arrangement, while it is devolved upon the states to direct the means by which it shall be accomplished. Accord-

ingly, the organization of the militia has been made to conform to the prescribed arrangement, by the distribution of it into the various corps mentioned in the act of Congress ; and it is believed, that no pretence has ever been made to an authority, by the state legislatures, to depart from this organization. The legal position, that, under the Constitution and Law of the United States, the states are bound to regard this prescribed arrangement in their legislation upon the militia, is too obvious to require to be enforced by argument.

It being then seen, that Congress has required the arrangement of the militia by divisions, brigades, regiments, &c., it becomes necessary to refer to another provision of the Law, which has respect to the mode of constituting these corps. In the section before cited, it is declared, “ that if the same be convenient, each brigade shall consist of four regiments, each regiment of two battalions, each battalion of five companies ;” and by the fourth section of the same act, it is further provided, “ that out of the militia enrolled as is herein directed, there shall be formed, *for each battalion*, at least one company of grenadiers, light infantry, or riflemen.” Although, by the former of these provisions, the number of inferior corps to constitute one of higher rank is made, in some degree, contingent, depending upon the convenience with which such corps may be brought together, yet the language of the latter provision is *mandatory* in requiring one company, at least, of light troops, as a component part of each battalion. *There shall be formed out of the enrolled militia, for each battalion*, at least, one such company, is the positive enactment of the statute. The obligation to do this, is no less peremptory, than to form the battalion itself. These companies, in whatever proportion they exist to the

standing infantry, are to constitute parts of the higher divisions of the militia. Wherever they are formed, they are to be included in the arrangement before prescribed of divisions, brigades, regiments and battalions ; not organized by themselves into distinct and separate corps of similar rank, but united and embodied with other companies, to constitute those corps, respectively. The light infantry, grenadiers, or riflemen, are thus to be made a portion of, and become identified with, the battalions and regiments of infantry, and no other disposition of them will the Law of Congress permit. Such is the clear, precise, and unequivocal rule of organization for the militia, and the prescribed arrangement for its various light infantry corps. The law requires, *absolutely*, that there shall be divisions, brigades, regiments, battalions. It authorizes, in the manner of forming these, a regard to convenience ; but it enjoins, *without qualification*, that the light infantry, grenadiers, and riflemen shall be formed out of the enrolled militia, and, together with the standing companies, constitute the battalions and regiments of infantry.

By the Bill offered for my approval, by the Legislature, in the second section, it is required of “the Commander in Chief, with the advice of Council, to organize, as speedily as may be, the several Volunteer Companies of Light Infantry, Riflemen, and Grenadiers, in each Division of the Commonwealth, into Regiments or *separate Battalions*,” thus detaching these Corps from the Regiments of Infantry of which they are now component parts. To my apprehension, this would be a palpable violation of the rule of arrangement prescribed by the paramount authority. Congress, says the Constitution, shall have power to provide for *organizing* the Militia. In the exercise of this power Congress *has provided*,

that, in the organization of each Battalion, there shall be at least one Company of Light Troops. The Legislature of the State now propose, that these Troops shall be arranged by themselves, under a different organization, and thereby the existing Regiments and Battalions be deprived of this connexion. Besides, it seems not to be contemplated by the Bill, that the reorganization shall extend beyond the Light Corps. When, therefore, these are detached from the existing Regiments, these Regiments, in many instances, will be so greatly reduced as manifestly to impair their constituent proportions, and thus, here again, in a great degree, the *uniform* organization, which in reference to numerical strength, was designed in the composition of each Corps, by the Act of Congress, will still further be defeated.

It is, therefore, because, that the organization proposed in the Bill from the Legislature, is repugnant to the arrangement required by Congress, that I object, in this particular, to the enactment. In all the modifications of the Militia, which have, at any time, been attempted by State authority, the plan of an entirely separate organization of the Light Troops of Infantry, into distinct Regiments and Battalions, has never before been suggested, as either competent or expedient. To my mind, it seems a clear position, that it cannot lawfully be adopted, and consistently with this opinion, and a sense of obligation to support the Constitution of the United States, I could not consent to become an instrument in its execution.

There is another Constitutional point of view in which the proposed arrangement is to be regarded, in its effect upon the authority of Congress to provide for *disciplining* the Militia. This is one of the expressly delegated powers. Accordingly, Congress, by various Acts, at dif-

ferent periods, have established rules of instruction and discipline for the Militia throughout the United States, and enjoined the duty of causing the Troops to be exercised and trained in the respective Corps, into which they are arranged, agreeably to these rules. By the 7th Section of the Act of 1792, it was enacted, that "the rules of discipline approved and established by Congress, in the Resolution of the 10th of March, 1779, shall be the rules of discipline to be observed by the Militia throughout the United States, except such deviations from such rules as may be rendered necessary by the requisitions of this Act, or by some other unavoidable circumstances." And it was made "the duty of the Commanding officer, at every muster, whether of Battalion, Regiment, or single Company, to cause the Militia to be exercised and trained agreeably to said Rules of discipline." By a subsequent Act of Congress, passed May 12th, 1820, so much of the afore-recited section as "approves and establishes the rules and discipline of the Baron De Steuben," (which are the rules referred to in said section) and enjoins them to be observed by the Militia, throughout the United States, was repealed, and, instead thereof, it was enacted, "that the system of *discipline* and *field exercise*, which is, and shall be ordered to be observed by the regular army of the United States, in the different Corps of Infantry, Artillery, and Riflemen, shall also be observed by the Militia in the exercises and discipline of said Corps respectively, throughout the United States." A still later Act, passed on the 2d of March, 1829, provides for the distribution of an "Abstract of Infantry Tactics, including exercises and manœuvres of Light Infantry and Riflemen, for the use of the Militia of the United States." In the Bill now presented to me, all the foregoing provisions of



the Law of Congress are disregarded, and by its passage into a law, would practically be *annulled*. The system of *discipline* and *field exercise* required to be observed by the Militia, which has reference to *Regiments* and *Battalions*, could only be practised by the Light Troops, under the contemplated new organization. These compose but about one fourth part of the enrolled Militia of the Commonwealth. To the standing Companies of Infantry, which it is proposed shall be assembled only on the first Tuesday of May, and by Companies, there could be no instruction in *field* exercise, in the respective Corps of Regiments and Battalions, into which they would still remain nominally arranged, nor could the exercise and manœuvres, taught in the Abstract of Infantry Tactics, be introduced among them, or the duty enjoined upon the Commanding Officer, at every Muster, whether of Battalion or Regiment, to cause the Militia to be exercised and trained according to the prescribed rules of discipline be discharged, for the Muster of the Battalions and Regiments being prohibited, these commands, for the purposes of training and exercise, would virtually cease to exist.

But in a more direct and violent manner are the provisions of the law of the United States, in respect to the office of Brigade Inspector, contravened by this Bill. Recurring again to the Act of 1792, it is made “the duty of this officer to attend the Regimental and Battalion meetings of the Militia, composing the several Brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements, superintend their exercise and manœuvres, and introduce the discipline before described” (that is the discipline prescribed by Congress) “throughout the Brigade, agreeable to law,

and such orders as he shall from time to time receive from the Commander in Chief of the State.”

It is further made the duty of the Brigade Inspector “to make returns to the Adjutant General of the State, at least once in every year, of the Militia of the Brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgment, may relate to the government and the general advancement of good order and military discipline.” To the discharge of these specially assigned duties, the Musters of the Regiments and Battalions are indispensable. The law constantly has reference to such assemblages of the troops, and not a single one of its numerous injunctions upon the Brigade Inspector could otherwise be observed. He can no longer perform the service which is most essential to the preservation of the efficiency of the Militia, and which more than any other object is the special regard of the law, the inspection of the Arms and Equipments after the Reviews, as these, which afford the only opportunities for the purpose, are abolished. Neither can he, as it is expressly directed he should do, superintend the exercises and manœuvres of the Troops, *while under arms*, and introduce the system of discipline before described, throughout the Brigade, nor make the Report which is required of him, annually, to the Adjutant General, in the particulars enumerated, if the meetings of the Corps of Militia, which he must personally attend, to enable him to do any one of these things, are prohibited.

It may have been assumed, that the annual examination of arms by the Commanders of Companies, on the first Tuesday of May, supersedes the occasion of the Regimental or Battalion Musters. But in this, there is

entire fallacy. The May Inspection is a measure altogether of State authority, not enjoined or recognized by the law of the United States, and I hesitate not to express the opinion, *that it does not, and that it cannot answer the requirements of that law.* It is not such an Inspection as the paramount authority of Congress demands ;—an inspection while the troops are under arms, at Regimental or Battalion meetings, attended by the Brigade Inspector, and where that officer inspects their arms, ammunition and equipments, and superintends their exercise and manœuvres, and from which he makes his Report of the actual situation of the several Corps, and “every other thing which in his judgment may relate to their government, and the general advancement of good order and military discipline.” A brief comparison of the provisions of the law of the State with that of Congress will shew their diversity, in the most obvious and decisive manner. By the Law of Congress, the Inspection is to be *by Regiments and Battalions*, throughout the Brigade. By the Law of the State, the examination of Arms, on the first Tuesday of May, is to be by *Companies*. By the former, the duty of making the Inspection is required of the *Brigade Inspector*. By the latter, the inspection which is had, is by the *Commanding Officer of the Company*. The Law of Congress requires, that the Brigade Inspector shall superintend the exercise and manœuvres of the Troops, and introduce throughout the Brigade the discipline prescribed by that law. The law of the State, if this Bill passes, will allow of no such superintendence, and permit no instruction in the prescribed discipline ; for by denying the right to assemble the Troops, except by Companies, and on the same day, throughout the whole extent of the Brigade, the presence of the Brigade Inspector, with the several corps,

whether for the superintendence of their exercises or the introduction of discipline among them, is rendered physically impracticable. The duty enjoined upon the Adjutant General to make his Returns to the Commander in Chief of the State, and to the President of the United States, is also interfered with, for the ability to execute this duty presupposes the subordinate action of the Brigade Inspector in making his Reports. Nothing can be more plain than the relation, in this particular, in which these officers are placed to each other. The services required of each, are to be performed in a natural and consistent order. The Brigade Inspector is first to make the Inspection. He is then to report the result of that inspection to the Adjutant General;—and the latter officer, *from the Reports of all the Inspectors*, is to prepare his Abstract, which is to exhibit, in one certain and precise view, a Return of the actual condition of the whole Militia of the Commonwealth. For this, nothing can supply a deficiency of the Reports of the Brigade Inspectors. The Rolls of the Companies are not sufficient, for they shew only the command, with the rank and file of the Platoons. They reach not the Field and Staff organization, and returns, made from these Company Rolls, would be imperfect in all the particulars of the arrangements, equipments, and discipline of the higher grades, both of Officers and Corps.

Another legal objection to the Bill, upon its face, is found in the absence of any provision for determining the rank and commissions of the Officers to be chosen or appointed to the Regiments or Battalions, under the proposed organization. The Act of the Commonwealth “for regulating, governing and training the militia,” passed March 6, 1810, in the 14th Section, provides, that in each Brigade, where there are now, or may hereafter be

two Companies of Artillery, they shall form a Battalion and be entitled to a Major, an Adjutant, and a Quarter Master ;—that in each Brigade, where there are now or shall hereafter be three Companies of Artillery, they shall still form one Battalion ;—and that, in each Brigade, where there are now or may hereafter be four Companies of Artillery, they shall form a Regiment of two Battalions, and be entitled to a Lieutenant Colonel Commandant, since altered to a Colonel. A similar provision is made in the 15th Section, in relation to the Cavalry. But the present Bill is silent in respect to the manner in which the Regiments and Battalions, into which the Light Infantry, Grenadiers and Riflemen are to be arranged, shall be officered. In the Infantry there are now no separate Battalions, and none such are recognized by the Laws of the United States. By the rules and regulations established for the *Field exercise* of the Militia, each Regiment forms one Battalion for manœuvering, the whole body commanded by a Colonel, and the wings by a Lieutenant Colonel and a Major. How then, shall be the rank of the Commanding Officer of a Battalion of Light Infantry ; and what the Staff attached to such command ? Unless the Law determines these questions, no Commissions can be issued. Admitting therefore, for the purpose of the argument, that the power of State Legislation over the Militia is competent to the proposed organization, its imperfect exercise in the details of the present Bill would defeat the ends of the enactment.

In one other particular is the Bill manifestly defective. The 3d Section makes it “the duty of the Adjutant General to furnish from the Arsenals of this Commonwealth, or otherwise, to each volunteer Company of Light Infantry, Riflemen and Grenadiers, who shall apply for the same, sufficient Tents, and Camp Equipage, and

a sufficient number of Musquets and Bayonets, or Rifles, to supply each and every non commissioned Officer and Private therein." By a report made to me by the Adjutant and Acting Quarter Master General, which I take leave to transmit herewith, and beg permission to refer to, as far as may be necessary in explanation of this part of my communication, it appears, that there are 148 such Companies in the Commonwealth. The Government is not in possession of sufficient Tents and Camp Equipage for these Corps, but a heavy expense must be incurred in their procurement, for which no appropriation is made in the Bill. This omission must render the provision ineffectual to the accommodation of the Troops, in these supplies, the present season, without which it is reasonably to be inferred, the Legislature did not intend the new organization should take effect. It is also represented in the Report, that the Arms in the Arsenal are altogether unsuited to the use of Light Troops, being too cumbrous for their manner of exercise, and intended only for heavy infantry, in actual service. If this in fact be so, and the Adjutant General, under the broad authority conferred by the language of the Bill, "to furnish from the Arsenals, or *otherwise*, to each Company of Light Infantry, Riflemen and Grenadiers, who shall apply for the same, a sufficient number of Musquets and Bayonets, or rifles, to supply each non commissioned Officer and Private therein," may procure appropriate arms by purchase, a charge will be created to the Commonwealth, as enormous, as I am well assured it must have been unanticipated, by the Legislature.

Thus far the objections to the proposed enactment have been confined to Constitutional and legal grounds. There are besides, some considerations in respect to the inconvenience and inexpediency of the contemplated ar-

rangement, which have suggested themselves to my mind, in the little opportunity which has been afforded me from other engagements, for the examination of the Bill, since it was reported, and which I hasten very briefly to present. It may not have been known to the Legislature, that within a recent period, the Executive Council, at the expense of much time and labor devoted to the subject, revised the Roster of the whole Militia, and by many important modifications and changes, attempted to adapt the arrangement of the Troops, in the various Corps, to their better accommodation, and higher state of efficiency. It was found, that the Militia had become too much subdivided, and especially, that the Regiments were too small, and the Officers disproportionately numerous to the magnitude of their commands. Many of these Regiments were therefore disbanded and consolidated, under a new organization. In several instances, Battalions of Artillery and Cavalry, constituted of companies remote from each other, and whose meetings for Review and Inspection were exceedingly burdensome, were broken up, and the several Companies attached to the Regiments of Infantry within the limits of which they had been recruited. The number of Musters was thus reduced ; Supernumerary Officers were discharged, and the Troops greatly relieved. Under the operation of the present Bill, all these ameliorations will be defeated. While the old Regiments of Infantry will remain, new Regiments or Battalions are to be created from the detached Light Infantry, Grenadiers, and Riflemen, and for these, additional Field Officers are to be commissioned. The Companies of Artillery and Cavalry must be again formed into Battalions, for as these Corps are to continue subject to their present liabilities, while the Regiments of Infantry are exempt from Re-

views, they can no otherwise be inspected. Nor is here the greatest difficulty. The Companies of Light Infantry, Grenadiers and Riflemen, *as component parts of the local Regiments*, are now restricted within convenient limits. But to form them into separate Regiments or Battalions will require, that present lines should be wholly disregarded. In many parts of the state large Districts must be embraced to constitute a single Regiment, and in one of the most distant Divisions, whole Brigades actually traversed, to bring together the smallest Battalions. The skeleton Regiments of heavy Infantry which would remain, after detaching the Light Troops, would occasion a necessity for deranging these Corps, and re-forming them in new and less compact associations, and this again affecting the Brigades, would ultimately lead to an entire subversion of the present arrangement of the Militia. I humbly submit, that such consequential and extensive changes were not within the desire or contemplation of the most earnest advocate for the passage of the Bill. But the practical operation of such a Law would not rest in merely giving occasion for a new organization of the various Corps of the Militia. Its inevitable tendency is to the destruction of the Institution itself. Destroy the right to parade the Troops for manœuvre and exercise ; reduce the honors and the duties of the *Commanders of Companies* to the call of a roll and the examination of muskets and knapsacks once in a year, and of *Commanders of Regiments* to the obligation of attending the frequent elections of platoon Officers in Corps which they are never to command under arms, as will be the case, under the Bill, in all the Regiments of Standing Infantry, and who, I ask, will accept a commission? And again, when all the proposed exemptions are granted to the Standing Companies,



where, is that preference for the manner of performing the common duty of Military service, which now upholds the Volunteer Corps? Can they be recruited, under increased burdens, while mere enrolment in the Militia subjects the private of a Standing Company only to a single appearance with his arms, once a year, in the neighborhood of his residence? The certain result would be, the total disorganization of all the Corps;—of the Standing Infantry for the want of Officers, and of the Light Companies for want of Members.

Of the political effect of the arrangements proposed by the Bill, I forbear now to speak. On former and repeated occasions, my sentiments in relation to the adaptation of a well organized Militia to our Civil Institutions, and its importance to the preservation of National Independence, and the administration of a Government of Laws, have been unequivocally declared, and in these sentiments, strengthened and confirmed by reflection and observation of passing events, I still confidently abide. Statesmen and Patriots of every period in our history, have pronounced the Institution essential to the maintenance of free Government, as the only organized force for its protection, not inconsistent with civil liberty. Military duty is an exaction of personal service from the citizen, for the common safety, which he is no more at liberty to refuse than any other tax legitimately imposed. The inquiry here, is not whether the authority of Congress over the subject, has been discreetly exercised, either in manner, or in degree. On such a question there might be but little diversity of opinion. But the matter of discussion is, *the competency of the Legislature to pass the present Bill*; and with the objections to it, which, necessarily, in a hurried, and I fear too im-

perfect manner, I have offered, I now humbly and respectfully submit it, again, to your consideration.

LEVI LINCOLN.

*Council Chamber,*  
*March 28, 1833.*

[NOTE. The above Message having been read in the Senate, the question was taken, shall the Bill entitled "an Act in further addition to an Act for regulating, governing and training the Militia of this Commonwealth," pass, notwithstanding the objections of the Governor; and there were *six* yeas, and *fifteen* nays. So said Bill was rejected.]

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## CHAP. XCIV.

### RESOLVES

*In relation to the Public Lands of the United States.*

March 28, 1833.

The Joint Special Committee of the Legislature, to whom was referred so much of the Governor's Address as relates to the Resolutions of the State of Tennessee, on the subject of the Public Lands of the United States, have attended to the duty assigned them, and beg leave to submit the following Report.

The Committee, upon an examination of the Resolutions referred to them, were of opinion, that the tendency and operation of the measures there recommended, could not be understood, without an investigation of the various questions involved in a consideration of the rights and duties of the General and State Governments in relation to the public domain. They have, according-

ly, with such aids as it has been in their power to obtain, entered upon this investigation, and the report now submitted contains the result of their inquiries.

The Committee have taken this course the more readily, from a conviction, that although this Commonwealth has a deep interest in the subject, it has, hitherto, received from our citizens comparatively little attention.

It is not difficult to ascertain the causes of this apathy. The lands are situated at remote distances from us, and the administration of them has been necessarily confined to the General Government. The new States have always claimed and possessed the principal agency in their management and disposition. An examination will show that, for many years past, the Committee on Public Lands have been selected, almost exclusively, from those States where these lands lie, and the recommendations of these Committees have generally been adopted without discussion.

As a necessary consequence, a course of legislation, very liberal to the new States, has uniformly marked the action of Congress upon this subject. The price of land has been placed as low as it could be without exciting the avidity of speculators; large grants have been made to the new States, for public objects; and when, by a change of times, purchasers were unable to make payments without great difficulty, relief was afforded them by a relinquishment of a great portion of the debt. Not a session of Congress passes, without some special legislation in favor of some of the new States, by the donation of large tracts of the public land.

The Committee have no disposition to complain of this liberal policy. They rejoice, that every request made by the West, has been met with a spirit not only

of justice, but of generosity. They cannot, however, but regret, that this liberality has given rise to pretensions which have no just foundation, and which cannot be yielded to, without jeopardizing our most important interests. Under various pretences, and in different forms, claims are now advanced, which if granted, would soon make all the public lands the property of the several States, within whose limits they are situated. The grounds and extent of these claims will be particularly stated in a subsequent part of this report. They have been urged incessantly, for years, and the extinguishment of the public debt has been seized, as an occasion for renewing them with additional confidence and pertinacity. It is quite manifest, that unless this business is soon settled, by placing it on some permanent basis, the whole interest of the general government must be sacrificed, or these lands must become the occasion of dangerous local excitements, and corrupt political combinations.

Under this impression the Committee have witnessed, with much satisfaction, the effort which has been made in the Senate of the United States, to effect an arrangement of this question. The bill which has recently, for the second time, passed that body, while it is very liberal in its provisions for the new States, is still calculated to secure, in a good degree, the essential rights and interests of the rest. This bill provides substantially, that about two millions of acres shall be granted to some of the new States, in order to render the donations to these States equal ;—then reserves to the States within which the lands sold are situated, twelve and a half per cent. of the purchase money, in addition to the five per cent. heretofore allowed on the same account, and divides the rest of the proceeds of the sales among the several States, in

proportion to their representative population; to be expended by them for the purposes of education, internal improvement, or colonization, at their election.

In the bill itself, and in the report by which it was introduced, and the arguments by which it was defended, another instance has been afforded of the mental forecast and patriotism of that Statesman, with whom the measure originated, and by whose exertions it has been mainly sustained. His name already stands identified with the great sources of our union and prosperity, but should the proposed measure succeed, there is no event of his life on which his recollection will dwell with prouder satisfaction, or which will more fully challenge the admiration and gratitude of posterity, than the settlement of the conflicting interests and claims growing out of the public domain. The committee have appended to this report, a copy of the proposed bill, in order that its provisions may be more generally understood. Although, as has been already remarked, its provisions in favor of the new States are very liberal, yet it has encountered from almost the entire delegation from those States, the most determined opposition. Such opposition can only be accounted for, by supposing that they claim and expect to obtain the whole.

The committee have thought it their duty to investigate the foundation of these claims, and that they may be properly understood, they would ask the attention of the Legislature to a consideration of the origin and nature of the title of the general government to the public domain—the benefits of the present system of survey and sale—the quantity and value of the public lands—the advantages which would result from the passage of the bill now before Congress—and the consequences to this Commonwealth of a surrender to the claims of the

new States. When these subjects are well understood, it will be comparatively easy to determine upon the justice and expediency of yielding to the demands of our brethren at the West.

The title of the general government to the public domain, is derived either from grants by several of the States, or from purchases made of foreign powers.

At the commencement of the war of the revolution, several of the States possessed immense tracts of land, lying principally west of the Alleghany mountains. The title to these lands was generally acknowledged, but the ownership of them was the occasion of much discontent to the other States. They contended that as the war was carried on by the united exertions of all, these unoccupied lands ought to be regarded as something wrested from the common enemy, and to be retained for the general benefit. They further insisted, and with much earnestness, that the several members of the confederacy ought to be placed upon an equal footing; and that the ownership of these lands would confer upon the States possessing them, a permanent superiority over those destitute of this source of revenue. So strong was this feeling, that some of the States, Maryland in particular, for a long time refused to join the confederation of 1777, and at last only consented, because, to use her own words, "it hath been said, that the common enemy is encouraged by this State not acceding to the confederation, to hope that the union of the sister States may be dissolved, and therefore prosecute the war in expectation of an event so disgraceful to America."

To remove this difficulty, Congress after having recommended to the several States a cession of these lands to the general government; by a resolution of

Oct. 10, 1780, among other regulations, provided, "that the unappropriated lands which may be ceded or relinquished to the United States, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States." This recommendation and pledge were met by the several States with that spirit of disinterestedness which distinguished the age, and in the course of a few years, the States of New York, Virginia, Massachusetts, Connecticut, South Carolina and North Carolina, ceded to the general government, almost the entire western country. In 1802, a further cession was obtained by an agreement with Georgia. The arrangements relating to these cessions, were entered into with great care and deliberation. Congress, by the ordinance of July 13, 1787, in relation to the Northwestern Territory, gave an assurance that the trust resulting from the cessions which had been, or might be made, would be faithfully and wisely executed. By this celebrated ordinance, which was the work of a distinguished citizen of Massachusetts, who yet lives to witness the result of his sagacity and patriotism; the blessings of a free government, a liberal public provision for education, and a perpetual exclusion of slavery were secured to the persons who should settle on these lands.

The ceding States on their part, in order to prevent a recurrence of that inequality which induced them to make the cession, and as if in anticipation of the claims now so strongly urged, accompanied their deeds of cession, with conditions so expressed as to leave no room for doubt as to their intentions.

The expressions in the deed of Massachusetts are, that they "transfer, &c. to the United States of America, for their benefit, Massachusetts inclusive," &c.

The language of Virginia, whose cession was prior to that of Massachusetts, conveys the same idea in a still more explicit form. It is as follows: "All the lands within the territory——shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

The form of expression varies somewhat in the deeds of the other States, but all contain a clear expression of an intention to cede the lands to the General Government, for the common benefit.

Upon the formation of the Constitution, this great interest was not overlooked. By sect. 3, art. 4, it is provided, that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States."

In the opinion of the Committee, there can be no question as to the rights and duties growing out of these proceedings. For all beneficial purposes, the several States are the owners of these lands, as a common fund. The power of Congress is merely that of a trustee, bound to administer the fund for the equal benefit of all. The General Government has no more right to distribute this fund partially,—to give to one State, and withhold from another,—than the trustee of an hereditary estate has to appropriate it unequally among the heirs. It does not affect the right in this case, that if Congress should choose to disregard these obligations,



there is no tribunal before which it can be arraigned, and compelled to do justice.

The public lands, not included in the cessions of the States, were obtained by the purchase of Louisiana and the Floridas. In regard to these, there would seem to be no room for question. They have been paid for out of common funds, and all analogy and reasoning concur in considering them as common property. If any additional reason were wanting, it would be found in the fact that the proceeds of the sales of all the public lands, fall about ten millions of dollars short of repaying the money which has been paid for them, with interest.

The Committee have already remarked, that a claim is made by the new States, to the whole of the public lands. As this claim varies very much as it is advanced by different States, or individuals, they propose to make a statement of the nature and extent of these demands, somewhat in detail, and to accompany the statement with some remarks upon their validity.

It is said that it is inconsistent with the sovereignty of the States, that a foreign power (and such the advocates of this doctrine are pleased to denominate the General Government,) should be the owner of lands within their limits. There is much in the theory of State rights and State sovereignty, as expounded by some modern politicians, at once puzzling and alarming. It is very difficult to comprehend the reasons by which they support their doctrines; but it is quite easy to see that these doctrines, if adopted, would put a speedy end to the Union. Without, however, undertaking to discuss this argument in the abstract, it will be sufficient to remark, that the States interested in the present question, have no right to avail themselves of it. Their existence as States, is the mere result of the arrange-

ments detailed in the former part of this report. It is in virtue of the compact entered into, when the lands were ceded, that these States have been admitted into the Union—and they cannot deny the validity of what lies at the foundation of their political existence. Nor has any State ever acted in consistency with this doctrine; all are anxious to obtain grants from Congress, and every application is an admission of the title of the General Government. Besides, the title of individuals residing in these States, to their lands, is derived from Congress. The doctrine now under consideration, if true, would render all these titles invalid, and transfer the ownership of all the land to the several States, in their corporate capacity.

It is contended by some, that these lands were a fund set apart for the payment of the public debt, and that they should be given up to the several States, when that object is accomplished. It is difficult to perceive the force of this argument, when urged as a matter of right. It is in contradiction to the terms of the deeds of cession; and is unsupported by any evidence that such was the understanding, either of the General or State Governments. But if the ground of the argument were admitted, it would not support the conclusion which is attempted to be founded upon it. If the lands were appropriated as a fund for the payment of the public debt, or, as the argument is sometimes stated, of the debt of the revolution, then they are to be held until they have discharged the whole of this debt. Now it is well known, that the public lands have fallen far short of paying the debt of the revolution alone. The whole amount received from the sale of these lands, by the General Government, is but about forty millions of dollars. The debt of the revolution was about two hun-

dred millions. If this debt has been paid from other sources, the public lands are still holden, in equity, to reimburse that sum. When this sum of two hundred millions of dollars, with interest from the time of the revolution, shall have been paid from the public lands, it will be proper to give this argument a fitting consideration.

Those who admit that the above positions are untenable, and a majority of the people of the new States may be included in the number, contend that the lands are of very little consequence to the United States, hardly defraying the expense of their management—that the inhabitants of these States are poor, and the government sales drain the country of its money—that the surveyed lands remaining unsold, are refuse, and of little value—and that, for these reasons, and to avoid the collisions which must be expected to arise from a mixed jurisdiction, the price of the lands ought to be greatly reduced, and all which have been surveyed and remain unsold for a limited time, should be ceded to the several States where they are situated.

The grounds of this last claim will be better understood, after a statement of the operation of the land system as now established, and the quantity and value of the lands.

The outlines of the present land system may be briefly stated as follows. The land is surveyed into townships six miles square—then divided into thirty-six sections of 640 acres each—these again are subdivided, until the whole (when requested by purchasers,) is offered for sale, in lots of 40 acres each. One section is reserved for the purposes of education, and the rest is sold at first at auction, to those who will give more than one dollar and twenty-five cents per acre, and what remains

is then sold at private sale, for that price. To meet the wishes of every variety of purchasers, more than 160 millions of acres have been surveyed, although less than 30 millions have been sold since the first establishment of the system. Including the sections set apart for the purposes of education, more than eleven millions of acres have, in the same period, been granted to the new states.

In the opinion of the Committee, this system combines, to every attainable extent, security of title, cheapness of price, certainty of boundaries, and a choice of soil and climate. It is in successful operation, and ought not to be disturbed.

The quantity of land belonging to the General Government, including that to which the Indian title is not extinguished, is more than one billion of acres—a domain large enough for the formation of empires. In estimating its value, it would not be correct to consider the whole as now worth the price by the acre, at which public lands are sold. The reason is, that no present market can be found for this immense quantity. It will probably take centuries to dispose of the whole. It would be a more accurate rule, to consider the annual sales as the interest or income of a certain amount of capital; in which case, the lands would be worth as much as a capital yielding that amount of interest. These sales now average three millions of dollars annually. In the year 1831, they exceeded that sum by more than half a million of dollars. The last year, owing to the frontier war and the cholera, they fell short of that amount by about the same sum. This interest of three millions, would give a present capital of fifty millions of dollars. But as population increases, these sales will be constantly augmenting. Taking the increase of population as the measure of the increase of sales, (and an examination

will show that the sales have hitherto increased in a much more rapid ratio,) the annual amount of these sales will double once in twenty-five years. That it will double much sooner is manifest from the fact, that of about forty millions of dollars received from the sale of lands since the organization of the government, six millions, being more than one seventh of the whole, have been received from the sales of the last two years.

Should the proposed bill become a law, the annual distribution to which Massachusetts would be entitled, when the whole sales amount to three millions of dollars, would be \$127,225 41.

The annual receipt of this sum would be more valuable to the state than a capital of two millions of dollars, well invested, and this capital, it should be borne in mind, would be constantly increasing, in the ratio above stated. Should peace continue, there can be but little doubt that this fund could be relied upon as a permanent revenue in aid of all the purposes to which it is applicable.

It is true that the quantity of land will be constantly diminishing, as the sales go on, and that the whole will, in this way, be ultimately exhausted ; but as this will be the work of centuries, it is for all the purposes of political calculation, almost the same as if the quantity were inexhaustible.

The Committee, in view of this statement, leave it to the wisdom of the Legislature to judge, whether the interest of the Commonwealth, in the public domain, is so trifling, that it is expedient to give it away to the people of the west. It may however, be proper to notice briefly what is said about refuse lands and the effect of the present land system in draining the country of money.

The argument of those who consider the unsold lands as of little value is, that if this were not the case, they

would have been sold.—The answer is, that the quantity in the market is so great that no purchasers can be found for the whole. Less than forty millions of acres have been disposed of since the establishment of the system, and more than one hundred and sixty millions have been surveyed. The lands have been purchased as fast as they have been wanted by settlers, and if the quantity in the market had been increased tenfold, the amount of sales would not have perceptibly varied. This refuse land, as it is called, lies in a region containing probably less of waste land than any other portion of the globe; and the quantity in any state or territory, bears a very exact proportion to the newness of the settlements. For instance, Ohio has now but about five millions of acres remaining unsold, and these are selling rapidly; while Illinois has more than thirty-three millions—and yet Ohio has more poor land, in proportion to its territory, than Illinois. It is to be further considered, that the enhanced value given to inferior soils by the settlement of the country, will create a constant demand for those tracts which are passed over by the first purchasers—so that nearly the whole will in time be disposed of at the present prices.

The complaint of draining the country of money, by the operation of the present land system, would probably be wholly removed, by the passage of the proposed bill; at least, it would leave the new states as well off in this respect, as the old. The dividend and the seventeen and a half per cent. to which they would be entitled, would probably amount to as much as the sum which the citizens of any new state would pay to the General Government annually, for the purchase of land. The rest of the purchases must be made by emigrants, who would obtain their money from the other states. It is

well known, that in New-England, a large proportion of the slowly accumulated earnings of our farmers, is expended in the purchase of new lands, and in the outfit of those who emigrate.

Should the proposed bill become a law, there is no danger that the system thereby established, will be lightly abandoned. Now there is ground for constant apprehension, that the whole will be sacrificed to the promotion of some party object. But once admit the states to their just share in this great treasure, and no partizan will be bold enough to propose its relinquishment, unless unforeseen events should present the subject in a new aspect.

There is another benefit which would result from the proposed distribution, to which the Committee attach great importance. At the present time, when the attachment of the people to the Union is evidently weakened, when the benefits and disadvantages of a separation of the states have become the subject of cool and ordinary calculation; whatever has a tendency to revive an attachment to the General Government, and to make every citizen feel that he has a direct interest in its preservation, is deserving of special encouragement. No measure of public policy can be imagined, better adapted to this object, than the proposed distribution. Other governments make themselves known by the scrutiny of the excise-man, and the presence of the tax-gatherer. We should be reminded of the existence of our own, by the bounty which we should annually receive at its hands. It is hardly possible, that any state would willingly forego the blessings of such a union, for the desperate hazard of a separate independence.

There remains for consideration one other view of the subject, which in the opinion of the committee, is far

more interesting than any which has yet been contemplated. They refer to the effect of a relinquishment of these lands, by the General Government, upon the agricultural, and through them, the other interests of this Commonwealth. If either of the various projects heretofore adverted to, should be carried into effect, the title to all the public lands would vest in the States within whose bounds they lie, and that at no remote period. It is not difficult to foresee the policy, which would, in all probability, be pursued in their management. Large tracts would be reserved, for the creation of a fund adequate to all the objects of public expenditure, and the sale of the remainder hastened as fast as practicable. Each State would be anxious to attract settlers to itself, and in the competition which would ensue, lands would be sold for much less than their present price. It is already proposed to make donations of farms to actual settlers. As the work of settlement went on, the reserved lands, and the proceeds of those which might be sold, even at a reduced price, would constitute a fund, which would eventually be sufficient to defray every public expenditure.

The effect of such a state of things, upon the prosperity of this Commonwealth, cannot be contemplated without dismay. New England is often compelled to listen to the taunt of possessing a bleak climate and a barren soil. In comparison with the western and southwestern states, such is undoubtedly the fact. Our long and severe winters, our uneven surface, our rocky, and in some places sterile soil, the necessity we are under of resorting to the laborious and expensive process of manuring—all place us in striking contrast with the inhabitants of the milder regions of the west, where the charge of providing for winter is hardly regarded, and where the



manure heap is considered by the cultivator as a nuisance. Until recently, our readier access to market, gave us a superiority, which counterbalanced these advantages—but the recent improvements in transportation by means of roads, canals and railways, have, for all the purposes of competition, brought the whole western world to our doors. A given amount of produce can now be brought from Buffalo to this city, for a sum considerably less than it will cost to transport the same over land, from Connecticut river to the same place—so that a farm in the vicinity of Buffalo, is worth more by the acre, to raise any thing for the Boston market, that will admit of transportation, than the same quality of land on the Connecticut river. The same is true, with but little deduction, in regard to all the land on the shores of Lake Erie, and the navigable waters connected with it.

Under the present land system, it has required all the industry and sagacity, for which the yankee farmer is distinguished, to sustain himself against this fearful competition. That he has not suffered much more, is owing to the introduction and establishment of manufactures. The committee, without going into a detail of the reasons of their opinion, which will readily suggest themselves to the mind, would state as the result of a careful consideration of the subject, that but for the aid afforded by the American System, both the property and population of our agricultural districts would have depreciated to a great extent, producing such embarrassment and distress as has not been known in any portion of this country, by the present generation. It is now proposed to prostrate these manufactures, by withdrawing that protection which is essential to save them from undue foreign competition; and while undergoing the shock occasioned by this measure, the farmer is called upon to

prepare for the consequences of the proposed change in the land system. The Committee are anxious to invite the serious attention of the good people of this Commonwealth to this anticipated state of things. They would request of them, to institute a comparison between themselves and the western cultivator, as they would both be then situated, in respect to price of land, soil, climate and taxation; to add to these considerations the fact, that while their own farms would be at best stationary in productiveness and price, the farmer of the new states would be growing rich by the rise in the value of his land alone, and then ask themselves, how they will be able to compete with him in a market equally accessible to both parties?

It is difficult to attempt to estimate the effect of such a competition upon the value of our farms, but the Committee are unable to perceive why the result must not be;—that large tracts of land now under cultivation would be abandoned, unless for occasional pasturage, that other large bodies would barely defray the expense of their management, and of those remainder, the value, and consequently the price would be very much reduced.

The Committee do not make these remarks from any feeling of hostility to the West, or from a wish to retard them in their growth and prosperity. Nor are they insensible to the advantages resulting even to the emigrating states, from this eligible resort for their surplus population. So long as the inducements to emigration are as strong as they are now; in other words, so long as it is true that a common laborer can, from the earnings of a single year, save enough to purchase at the West a farm sufficiently large to maintain a family, labor must with us receive a generous reward. It will be always true, that the employer will be more dependant upon the laborer

than the laborer upon the employer. The Committee rejoice to believe that this consideration is alone sufficient to refute the objection, that our manufactories will create monopolies, and produce an undue dependance of the poor upon the rich. But while they would thus endeavor to maintain the most amicable relations with their brethren at the West, containing as it does, some branch of almost every family in New England, they can see no reason why we should be called upon to relinquish what is our undoubted right, when such a relinquishment would be almost necessarily fatal to our essential interests. Massachusetts joined with the other states in ceding these lands, that the several members of the confederacy might be placed on equal grounds. She is now called to relinquish her remaining interest in them, in order that this inequality may be restored.

If any thing were wanting to confirm the views of the Committee on this subject, it would be found in the consideration, that the proposed change would be seriously injurious to the western states. Aside from the increasing value of their lands, the main source of the wealth of these states is the high price of their produce. For the most of this produce the market is chiefly in the northern and middle states, and is almost entirely dependant upon our manufacturing establishments for its support. In the nature of things, such a market can only exist where large masses of society are withdrawn from agricultural pursuits, and the population is dense and prosperous. Such is the present condition of the New England and the Middle States. The leading policy of many of the western politicians seems to be, to withdraw this population from its present situation and locate it on their wild lands. Could they succeed, the main result would be, that while the amount of surplus produce would be great-

ly increased, the market for it would be almost utterly destroyed.

It does not destroy the force of this argument, that there is little or no transportation of produce from the more remote regions of the west to the manufacturing states. They are not the less benefitted on this account. Those who live nearer to these states can the more readily supply this market. In the purchases which they make for this purpose, however, they fix the price of all the articles which they procure, and the drain which their purchases occasion, leaves to the remoter regions the entire market for ordinary home consumption, and the supply of the wants of the emigrants. In this way, their surplus produce finds a ready sale at a high price. In confirmation of this, it may be remarked, that ever since the formation of a market by the establishment of manufactories and the construction of the means of access to that market, the produce of the new countries has commanded a price several times as high as it bore before that period.

In the extended investigation which the Committee have given to this subject, they have not been influenced entirely by a consideration of its bearing upon the resolutions of the State of Tennessee. Deeming the question one of great moment, and which has hitherto but partially attracted the attention of our citizens, they have gone much more into detail than they otherwise would have done. This examination however, will enable them to express their views in regard to the resolutions themselves, in a few words.

These resolutions propose in substance, to sell all the surveyed and unsold lands within the several states and territories, at reduced prices, and to appropriate the

proceeds of future sales to the education of American children.

So far as these resolutions recognize the title of the General Government to the public lands, and the right of Congress to distribute the proceeds of their sale among the several states, they coincide with the views maintained by the Committee in the former part of this report. But the Committee think that the purpose for which the states are to be allowed to appropriate the money is too limited, and that the sale of the lands at the reduced prices evidently contemplated by the resolutions, would for the reasons already stated, be an injudicious proceeding. They have no doubt that the time will come, when some portions of the land must be sold for less than the present minimum price, but this object is too insignificant to be put in competition with the danger of disturbing the existing land system. They therefore respectfully recommend, that this Legislature do not concur with the State of Tennessee in the measures recommended by these resolutions.

The Committee however, are of opinion, that something should now be done by this Commonwealth in relation to this subject. They believe that the attention of our own citizens ought to be excited—that all proper legislative action should be adopted—and every suitable exertion made to procure the co-operation of other states, whose interests are identical with our own. In this way, we may reasonably hope to obtain from the National Legislature an acknowledgment of our just claims, and ultimately succeed in effecting an arrangement, which shall secure the rights and interests of every portion of the Union.

For this purpose, and in view of the various considerations embraced in this report, the Committee would

close their labors by respectfully recommending to the Legislature, the adoption of the resolutions which are herewith submitted.

All which is respectfully submitted.

For the Committee,

D. WELLS.

*Resolved*, That as the public lands of the United States were acquired either by cessions from the several States, for the general benefit, or by purchase by the General Government, from the common funds, they ought to be regarded as the property of the whole United States; and no State has an exclusive title or peculiar interest in any portion of the same.

*Resolved*, That Congress is trustee of the public lands, for the equal benefit of all the States—and, as such trustee, cannot, without a violation of duty and moral obligation, make any partial disposition of the same; and that a surrender of these lands to some of the States, without any, or for an inadequate consideration, would be an infringement upon the rights of the rest.

*Resolved*, That the present land system combines, to every attainable extent, security of title, cheapness of price, certainty of boundaries, and choice by the purchaser, of soil and climate—and being in successful operation, ought not to be disturbed.

*Resolved*, That this Legislature disapprove of the several plans which have been proposed, for reducing the price of the public lands; inasmuch, as the price of land is now so low, as to put it in the power of every industrious citizen to purchase a farm—and as the vast quantity of land in the market, and not the quality of the soil, is the reason why so much of it remains unsold.

*Resolved*, That this Legislature approves of the bill which passed both Houses of the Congress of the United States, for the distribution of the proceeds of the sale of the public lands, among the several States, in proportion to their representative population, and that our Senators be instructed, and our Representatives requested, to use their exertions to procure the passage of this bill into a law.

*Resolved*, That His Excellency the Governor be requested to transmit a copy of these Resolves, and the Report preceding them, to the President of the United States, the Governors of each of the States and Territories, and to each of the Senators and Representatives of this Commonwealth, in Congress.

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## CHAP. XCV.

### *A Resolve in favor of Daniel Austin.*

March 28, 1833.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Daniel Austin, the sum of eighty dollars, for his attendance as a member of the House of Representatives, from the town of Brighton, at the present session of the General Court; and that a warrant be drawn accordingly.

## RESOLVES

*On the Governor's Retirement from Office.*

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### **Commonwealth of Massachusetts.**

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HOUSE OF REPRESENTATIVES, MARCH 19, 1833.

The Joint Select Committee, appointed to consider so much of the Governor's Address as announces the determination of His Excellency to decline being a candidate for re-election, have attended to the duty assigned them, and ask leave to submit the following

### **REPORT.**

The members of the Legislature are aware that, previous to the time when the present incumbent entered upon the functions of Governor of the Commonwealth, it was customary for the General Court to render a formal response to the address or message which might proceed from the Governor for the time being, at the commencement of each political year. This usage was discontinued, with the ready concurrence and approbation of the present incumbent, for reasons unnecessary to be detailed in this place, which have commended themselves ever since to the imitation of each succeeding Legislature. And your committee do not propose a revival, on this occasion, of the ancient practice; but considerations



applicable to that portion of the Governor's Address which they have in charge, appear to them to suggest and sanction some departure from the ordinary course of proceeding, in regard to the communications of the Executive.

It has been the fortune of the present incumbent to hold the office of Governor for a greater number of years consecutively, than either of his predecessors. Whilst favored with such reiterated proofs of the particular confidence of those among his fellow citizens, with whom as constituting a party in Massachusetts, or the United States, he stands in more immediate relation, it has also been his fortune to enjoy the general respect of the people of the Commonwealth. Having administered the affairs of the government during so long a period, with dignity, purity, and honor, he now announces to the Legislature his resolution to withdraw from the responsible and important station of Chief Magistrate, and to resume the condition of a private citizen. Your committee deem it alike due to the Governor, to the Legislature, and to the Commonwealth, that in these peculiar circumstances he should carry with him into present retirement, an expression of the opinion which the Legislature entertain of his official services and character. Your committee therefore recommend to the Legislature, the adoption of the following Resolutions.

For the Committee,

CALEB CUSHING.

## *Governor Lincoln's Declination.*

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### **Commonwealth of Massachusetts.**

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In the Year of Our Lord One Thousand Eight Hundred  
and Thirty-Three.

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*Resolved*, By the Senate and House of Representatives, that this Legislature, in receiving, from His Excellency Levi Lincoln, Governor of the Commonwealth, the announcement of his intention, out of deference to the republican principle of occasional change in the incumbency of elective offices, to retire from the gubernatorial chair, at the expiration of his actual term of service, are impressed with a lasting sense of the faithful, honorable, and impartial performance of public duty, which has distinguished his conduct in office ; that we cordially tender him the expression of our esteem, respect, and confidence, and of our wishes for his future happiness and prosperity ; and that, regarding the flourishing condition of our public affairs as largely owing, under Providence, to his judicious administration of the government, we unite with him in aspirations for the continued welfare of the Commonwealth.

*Resolved*, That Messrs. Cushing, of Newburyport, Sprague, of Duxbury, and Ashmun, of Springfield, with such as the Senate may join, be appointed a committee to communicate the present Report and Resolutions to the Governor.

HOUSE OF REPRESENTATIVES, MARCH 19, 1833.

Read twice, and passed. Sent up for concurrence.

WM. B. CALHOUN, *Speaker*.

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IN SENATE, MARCH 21, 1833.

Read twice, and passed in concurrence ; and Messrs. Wilder and Boise are joined on the part of this Board.

B. T. PICKMAN, *President*.



## ROLL, No. 107.....JAN. 1833.

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The COMMITTEE ON ACCOUNTS, having examined the several accounts for the support of STATE PAUPERS, and the accounts for MILITIA SERVICES, presented to them, report,

That there are due to the several CORPORATIONS and PERSONS hereinafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

By order of the Committee,

ELIPHALET WILLIAMS, *Chairman.*

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### PAUPER ACCOUNTS.

ALL OF WHICH ARE TO JANUARY 1, 1833.

Adams, for support of Phila Hill, Lydia Town- send, Robert Harris, Sarah Dodge, Sarah Goodrich, Agnes Mozes, and John Kimbe, adults,	231 00
Ashfield, for support of Charles Simpson, adult,	36 50

Amherst, for support of Jane Richardson, Polly Richardson, Sarah Jackson, Peter Jackson, Eloard Ranny, Mary Ann Jackson, adults, and Angeline Palmer, a child,	195 06
Attleborough, for support of Mary Montgomery, Ephraim Devenport, Elisha Patridge, William Williams, adults, and Betsy Bromely, Elenor Bromely, James Bromely, children, and funeral expenses,	127 00
Alford, for support of Orson Nichols, Wealthy Harrison, adults, and Minerva Smith, a child, and funeral expenses,	37 70
Abington, for support of Antonio Julio, and Margaret Jack, adults,	73 20
Ashburnham, for support of William Stineger, adult, and Hiram Stineger, a child,	58 56
Amesbury, for support of Robert Baker, James Richards, Eunice Bickford, adults, and Moses Bickford, and Wm. H. Bickford, children,	106 22
Ashby, for support of John Alexander McRoberts and Charles Edward McRoberts, children,	42 84
Acton, for support of Thomas Jones, adult,	13 30
Andover, for support of 11 adults and 6 children, and funeral expenses,	182 04
Blandford, for support of John H. Durlam, Susan Burdick, and Polly Burdick, adults,	103 00
Barnstable, for support of John Robinson, Hannah Ous, and Thomas Francis, adults,	72 95
Berkley, for support of James Cuddy and Mary Lindell, adults,	73 00
Becket, for support of Elizabeth Hamblin, adult, and Jane Parker, a child,	58 40

Belchertown, for the support of Hannah Lev- ens, Susannah McIntire, Moses Kilbourn, and Duty Darling, adults,	105 70
Burlington, for the support of John A. Pashoe and Venus Rowe, adults,	73 00
Beverly, for the support of Dolly Claxton, Tho- mas Anderson, Thomas Driscoll, Thomas Rand, Thomas McCann, Bridget McCann, and John Kelly, adults, Benjamin Cameron, Martha Cameron, children,	78 18
Brookline, for support of Ann Patten, a child,	21 90
Boxborough, for support of Andrew Jackson, a child,	20 52
Barre, for support of Dinah Baker, Anna Humphrey, adults, Thomas S. Humphrey, Gardner H. Humphrey, children,	45 52
Bridgewater, for support of John Churnut, Jane Churnut, Paul C. Chute, Rachel El- eba, Benjamin McHine, Hannah Fowler, Zenas Rhine and wife, adults,	189 60
Boston, for support of sundry paupers, at the House of Industry,	10,282 44
Boston, for the support of 43 children, in the House of Reformation,	678 84
Boston, for supplies to sundry paupers,	3,713 00
Braintree, for support of Titus, adult, Maria Ann Goweth, a child,	58 40
Bradford, for the support of Jeremiah Carter, Elizabeth Carter, Kendall Fisk, adults, Charles Carter, a child,	27 28
Bedford, for the support of Vilot Moore, two years, adult,	73 00
Brighton, for the support of John J. Baker, Jr., adult,	36 50

Brimfield, for the support of Thomas Corbin, adult, Charles Trim, and George W. Payne, children,	80 30
Cummington, for support of Brister Pierce, adult,	36 50
Chester, for the support of Jenny Hardy, Benjamin Powers, adults,	73 00
Cheshire, for support of Ephraim Richardson, Molly Diamond, Noel Randall, Polly Cooper, Joel Lilley, Levi Pierce, Martin Blake-man, adults,	231 20
Carver, for support of Martin Grady, adult,	36 50
Colrairie, for support of David Jackson, Cate Vanvattenburg, adults, John, Thomas, and Harriet Freeman, children,	83 70
Clarksburg, for support of Lovell Hill, Naomi Hill, James Cook, adults, Malvira, William, and Caroline Hill, children,	150 10
Charlton, for support of Robert Bennett, Catharine Greene, David Salisbury, Penelope Salisbury, John Miller, Joseph Humphrey, adults, Catharine Green, Mary Ann Salisbury, Jonas H. Humphrey, children,	99 98
Chelsea, for the support of Betsy Jones and John Watson, adults,	73 00
Cambridge, for support of 295 adults, 63 children, and funeral expenses,	3,876 38
Conway, for support of Sally M. Murphy, Hannah Hall, Robert Burgess, adults,	109 20
County of Essex, for the support of sundry persons in the House of Correction,	983 20
County of Suffolk, for support of sundry persons in the House of Correction,	651 42



# PAUPER ACCOUNTS.

501

County of Norfolk, for support of sundry persons in the House of Correction,	95 10
County of Middlesex, for support of sundry persons in the House of Correction,	76 70
Chatham, for support of Patrick Gallaher, Patrick Mullen, Thomas Sammon, Perez Chaney, Bryan Queen, John Carter, Robert Mc Clue, William Runey, Patrick Runey, Thomas Davis, Michael Hersey, adults,	281 20
Chelmsford, for the support of Joanna Mc Lane, and Francis Butler, adults,	36 40
Canton, for support of Matthew Gaffery, a child,	21 90
Concord, for support of James Riley, Thomas Miles, Josephine Collins, Fitch Terrel, Samuel Webster, adults, George Miles, Oliver Miles, children,	47 14
Charlestown, for the support of 173 adults, 72 children,	4,280 56
Dalton, for the support of ————— Hoose, Mary Hoose, Elizabeth Elliot, adults, and Charles Mc Kee, a child,	100 74
Deerfield, for the support of Prince Emanuel, Lovina Wetherell, adults,	66 50
Dartmouth, for the support of Cuff Freebon, James Jenkins, Mary Ann Suckermish, Eliza Sweet, Emanuel Gory, William Johnson, adults, and funeral expenses,	94 40
Dorchester, for support of William Paddock, James Hickey, Elen Hickey, William Smith, Dennis Flood, William Campbell, Henry S. Seely, Eley Stone, adults, and 8 children,	125 87

Dennis, for support of Thomas S. Burchis, a child,	21 90
Danvers, for support of 22 adults, 4 children, and funeral expenses,	244 38
Dracut, for support of Thomas Jones, and Sarah Percival,	5 70
Dedham, for support of Dorcas Jordan, Mary Connor, Robin Clue, Harriet Thompson, adults, and George Frost, Elizabeth B. Mack, Mary Mack, children, and funeral expenses,	66 08
Duxbury, for support of John Carnes and Sarah Simmons,	60 50
Davis Henry, Guardian of the Dudley Indians, for supplies to sundry Indians,	133 65
Enfield, for support of Deborah Butterworth, adult,	36 60
East Bridgewater, for support of Lucinda Nero, Betsy Chase, Elihu Stephens, Meribah Williams, Samuel Wood, Asa Mingals, Robert Seaver, Catharine Beal, Anna Richards, adults, and 2 children,	299 68
Egremont, for support of Betsy Daley, Isaac Freeman, Rosanna Van Guilder, alias Humphrey, Reuben Van Guilder, Andrew Mc Cannon, Peggy Mc Cannon, William Goulborn, adults, and George A. Klime, a child,	227 00
Easton, for support of James Quindley, adult, more than one year,	53 90
East Hampton, for the support of Submit Bailey, adult, Ozius Bailey, Charles Bailey, children,	80 30
East Sudbury, for support of David Curtis, and his funeral expenses,	35 10

Essex, for support of John Coleman and Charles Richardson, adults,	65 60
Foxborough, for support of Caroline G. Howe, and Susan Rider, adults,	48 60
Fair Haven, for support of Lucy Perry, Robert Wilson, Margaret Wilson, William Wilson, William Jones, Michael Shahan, and William Durfee, adults, and Anson L. F. Perry, William S. Perry, Lucy Ann Perry, and Joseph S. Perry, children, 147 24 } and funeral expenses, 5 00 }	152 24
Freetown, for support of Edward B. Sanford, Rhoda Sanford, John Palmer, Hannah — adults, Amos J. Sanford, Charles H. Sanford, Edward B. Sanford 2d, David G. Sanford, and Rhoda E. Sandford, children, and funeral expenses,	162 60
Franklin, for support of Susan Parker, a child,	35 30
Fitchburg, for support of Paul Mc Donald, and Edward Mc Bride, adults,	19 80
Granby, for support of Beulah Murray, adult,	36 50
Grafton, for support of Elizabeth Phillips and Cornelius Johnson, adults, and Francis L. Whittaker, Olivia Johns, and children,	81 66
Greenfield, for support of Abigail Taggart, Olive Bates, adults, and Charles Lane, and George White, Caroline Goland, children,	110 20
Groton, for support of Richard Brinton, adult, and funeral expenses,	30 10
Granville, for support of Mary Barden, Sally Stewart, adults, and Clarissa Barker, and Chauncy Goodrich, children,	116 48
Great Barrington, for support of Joanna Porter, Lucy Porter, Peter Smith, Sarah Smith,	

John McGeorge, adults, and Maria Rogers, and Amarilla Wells, children,	204 72
Gloucester, for support of 22 adults, and 2 children,	547 30
Gill, for support of Mary Lawson, adult,	36 50
Haverhill, for support of Ann Copp, John Gould, Ann Reed, James Smith, David York, Daniel Watson, Lourane Patten, Thomas Driscall, Elias Hazard, Catharine Makin, William Brown, adults, John Q. Adams, Robert Makin, Ann Jane Makin, children, and funeral expenses,	168 75
Hadley, for support of Rebecca Allin, adult,	36 50
Hancock, for support of Silas Shipman, Sally Shipman, Israel Clark, Mary Clark, Darius Green, adults, John H. North, Phebe Ann Jones, George W. Jones, children, and fu- neral expenses,	123 34
Harwich, for support of James Robertson, adult,	36 50
Holliston, for support of John B. Ford, Jose- phine Collins, George Patterson, and John B. Ford, adults,	40 70
Hawley, for support of Gilbert Graves, and Mabel Barnes, adults,	72 80
Hanover, for support of Hannah Long, John Hunt and wife, adults, and 3 children,	37 26
Hubbardston, for support of Daniel Mandell, adult,	36 60
Halifax, for support of Jane Curtis, adult, and Harrison Curtis, a child,	6 00
Hardwick, for support of Hannah Jonah, a child,	21 96
Hanson, for support of Betsy Joel, a child,	36 60

Ipswich, for support of John Obrion, Peggy Carell, adults, and Sarah S. Lord, a child,	44 54
Kingston, for support of Sophia Holmes, adult, and Emily Holmes, a child,	58 56
Lenox, for support of Moses McGraw, Dayton Fuller, Edward Hurlburt, Mary Russell, Lucy Rosman, adults, and Dayton Fuller, Jr., Lester Fuller, Erastus Fuller, Aurilla Hurlburt, Lucinda Hurlburt, Edward G. Hurlburt, Henry Teneyke, Nancy Russell, Abraham Russell, children, and funeral expenses,	289 26
Lanesborough, for support of John Gabriel, Charlotte Gabriel, Mary Squier, Eunice Foot, Amelia Bennett, Amos Dodge, Mary Dodge, Lucy H. Gaman, Mary Van Sycle, Amanda Lane, adults, and Henry Gabriel, Theodore F. Gabriel, John Dodge, Lucinda F. Dodge, Almira Stansboro, Harriet Stansboro, and Louisa M. Dodge, children,	609 38
Leyden, for support of Arnold Clark, Tasey Clark, Ruth Abel, Joseph Abel, Sarah Stanton, Hannah Cole, Fillis Young, Catharine Booth, adults, Catharine Booth, Louisa Booth, Sarah Booth, and Jane Goulding, children, and funeral expenses,	274 84
Leicester, for support of Thomas Waters, Roland Cobb, adults, and Sarah E. Cobb, Harriet S. Cobb, Nancy M. Cobb, Mary Davis, children, and funeral expenses,	37 42
Ludlow, for support of Thomas Brainard, Harvey Olds, adults, and funeral expenses,	69 60
Lowell, for support of 37 adults, 28 children, and funeral expenses,	648 98

Lee, for support of Sarah Ross, Chester S. Hodge, Olive Hodge, John Marble, Mrs. Marble, Abigail Howland, Isaac Sharp, Margaret Somers, Henry Miller, Jr., Henry Miller, Eliza Jane Miller, Fanny Miller, Naome Anderson, Amos Moore, adults, and Jeffrey Tucker, a child, and funeral expenses,	352 12
Lunenburg, for support of William Sheerer, Thomas Benson, Jane Mitchell, and Saphrona Ransellear, adults,	50 12
Lexington, for support of Emery Gaffield, adult,	27 50
Leverett, for support of John Ganzey, and funeral expenses,	16 50
Lynn, for support of John Battis, James Proctor, Thomas Driscall, David Chase, Jesse Howard, Bridget Gilligan, William Smith, adults, and Ann, Mary, and Ellen Gilligan, children,	152 62
Marblehead, for support of Hercules Gardner, Mary Card, James Ward, Charlotte Ward, William R. Jones, Caroline Jones, David Bates, John Roberts, Elias Fish, John Garine, Denny F. C. Dennis, James Hannasse, Harriet White, adults, and funeral expenses,	98 00
Milton, for support of James Bowman, Archibald McDonald, John C. Drew, Thomas Evans, adults, and George Hamilton, Michael Fox, Margaret Fox, John Fox, and James Fox, children,	143 76
Mount Washington, for support of Ebenezer Wordin, Henry Tyler, Robert Baker, adults,	

Hannah Wordin, a child, and funeral expenses,	93 04
Manchester, for support of William Edward Wheaton and Joseph Wheaton, children,	43 80
Monson, for support of Mary Allen, Hannah Brown, Flora Story, Dolly Wallis, adults, and James Wallis, a child,	86 70
Milford, for support of Nathan Trufant, Henry Burley, adults,	42 60
Marshpee Plantation, for support of James Pells, Lois Pells, Ephraim Jernett, George Jones, Quam Hazzard, Anthony Henson, Thomas McGrego, James Humphrey, adults, and funeral expenses,	154 87
Millbury, for support of Martin Flood and Isaac Flood, children, and Asa Howe and Mrs. Howe, and James Renworthy, adults,	82 80
Middleborough, for support of 12 adults, 6 children, and funeral expenses,	347 02
Marlborough, for support of Lewis Coon, James Clark, Martha Clark, and William Brown, adults, and George Clark, a child,	18 14
Mendon, for support of John Agur, Nathan Truphant, Arthur Colvin, Samuel P. Hoof, Martha Newhall, Lydia Rock, adults, and funeral expenses,	105 10
Montague, for support of Ann Sinclear, adult,	36 50
Medford, for support of 13 adults and 4 children,	282 18
Malden, for support of Peggy Magus, Catharine Lynd, Deborah Sacco, Charles Jones, Lydia Rock, Ivory Boynton, Mary Ann Smith, adults, and Henry Barker and Georgiana Raymond, children,	143 36

Methuen, for support of William Richards and John Harvey, adults, and Mary Ann Richards, a child,	44 00
Middleton, for support of Charles Francis, Betty Francis, Edmund Francis, Rose Diggs, Catharine Freeman, and Sally Hawkins, adults,	164 00
Marshfield, for support of John Baker, Samuel Holmes, Bristol White, Jenny Prince, adults, and John Quackow, Jane Quackow, and Phebe Quackow, children,	211 70
Montgomery, for support of Hannah Boham, adult,	36 50
North Brookfield, for support of Esther Johnson, adult,	36 50
New Marlborough, for support of Oliver Wom, a child,	21 90
Nantucket, for support of Anthony Swasey, Mary Andrews, Phillis Painter, Chloe Goulding, Matthew Smith, Sophia Beebe, Catharine Richardson, William Hutchens, adults, and funeral expenses,	272 70
North Bridgewater, for support of James Donen, Charlotte P. Wood, Deborah E. Ransalaer, adults, and funeral expenses,	112 50
Newton, for support of Jonathan French, William Pickering, Thomas Burke, Edward Boal, John Cusack, adults, and John McGara, and Patrick McGara, Jr.,	79 98
Needham, for support of 15 adults, 5 children, and funeral expenses,	159 24
Northampton, for support of 49 adults, 18 children, and funeral expenses,	705 28



New Ashford, for support of Mary Fuller, adult,	36 50
Norwich, for support of Ruth Sanford and Rufus Miner, adults,	73 20
Newburyport, for support of 43 adults and 13 children, and funeral expenses,	1,050 74
New Bedford, for support of 88 adults, 16 children, and funeral expenses,	1,412 52
Newbury, for support of 22 adults, 14 children, and funeral expenses,	609 60
Northfield, for support of John Fowler, adult,	33 60
Orange, for support of Mary Smith, adult,	29 20
Otis, for support of Abijah G. Hazzard, Eunice Hazzard, Polly Wilner, Henry Dickinson, adults, and funeral expenses,	116 10
Pittsfield, for support of 12 adults, 17 children and funeral expenses,	273 60
Plympton, for support of Joseph Gayton, Elizabeth Gayton, adults, and George Gayton, Ann Gayton, Rebecca Gayton, James Gayton, and Thomas N. Gayton, children,	93 50
Pawtucket, for support of Jane Donaldson, Thomas Keer, and Edward Mc Arlde, adults, and Nancy Donaldson, Elizabeth Keer, and Maria Keer, children,	86 60
Plymouth, for support of 10 adults and 3 children,	132 00
Pembroke, for support of Mary Gifford, adult,	36 60
Paxton, for support of William Fiske, adult,	36 60
Proprietors of Gayhead, for support of Hezekiah Sewall, and Joshua Stephens,	73 20
Petersham, for support of Anny Freeman, Stephen Hiams, Mrs. Hiams, Thomas Marshall Hiams, adults, and Thomas H. Freeman,	

Stephen W. Hiams, and a child of Anny Freeman, children,	24 48
Phillipston, for support of Abraham Choat, adult,	36 50
Quincy, for support of James Brown, Rebecca Majester, Horace Blodget, Elizabeth Barron, Dennis Rine, and the wife of Dennis Rine, adults,	77 40
Russell, for support of Sally Harrington, Mary Newton, and Dinah Johnson, adults, and Mary Hall, Nancy Hall, Norman Sears, and Margaret Johnson, children,	138 28
Rowley, for support of 46 adults, 10 children, and funeral expenses,	630 40
Richmond, for support of Nancy Jessup, Jacob Wicker, Susan Darling, Sarah R. H. Critenden, Frederick Wicker, Ruth Wicker, adults, and Assenath Darling, Francis H. Darling, Mary Jane Darling, Emeline C. Darling, Susan E. Darling, Adaline C. Hagar, James Wicker, Clarissa Wicker, Almira C. Wicker, Jane Z. Wicker, and Amos, children,	403 18
Randolph, for support of Lydia Dace, adult,	36 50
Rehoboth, for support of Aaron Freeman, Nancy Green, John Hopkins, William Stanton, Nancy Hill, Lucy Kelly, Rhoda Eastbrook, Eliza Mason, adults, Eliza A. Mason, a child, and funeral expenses,	119 90
Roxbury, for support of 48 adults, and 14 children,	595 92
Royalston, for support of Thomas Blodget, and Alice Clements, adults,	73 00
Rowe, for support of Almira Wilcox, and Clarissa Williams, adults, and Mary Wilcox, Noah Wilcox, Anna Carpenter, children,	82 07

Rochester, for support of Edward R. Sanford, Rhoda Sanford, and Michael Sheeham, adults, and Amos Sanford, Charles Sanford, Edward Sanford, and David G. Sanford, children,	61 00
Reading, for support of Martha Cameron, adult, and Benjamin Cameron, child,	20 54
Spencer, for support of Susannah Cowland, adult, and Malansa Freeman, Mercy Freeman, Theophilus Freeman, and Almira Freeman, children,	116 00
Springfield, for support of 9 adults, 23 children, and funeral expenses,	385 28
Stockbridge, for support of Abraham Parmele, Martha Dowd, Margery Curtis, Dorcas Webster, Dinah Elhy, Nancy Duncan, Mrs. Freeman, adults, Thaddeus Martin, Rosanna Martin, Theodore Martin, children, and funeral expenses,	239 36
Southampton, for support of John Cochran, William Penron, Timothy Coleman, adults,	40 70
Sandwich, for support of Willis Wing, Bethiah Fly, adults, and funeral expenses,	69 90
Sheffield, for support of Charlotte Turner, Sarah Turner, Job Johnson, Joel Moseley, Nancy Jones, Delilah Cornwall, adults, Frank Freeman, Harriet Freeman, Caroline Kelley, and Dennis Kelley; children, and funeral expenses,	136 64
Sharon, for support of Edward Ellis, and Elizabeth Ellis, adults,	73 20
Shrewsbury, for support of Nancy Johnson, and Eleazer Johnson, children,	34 68
Stoughton, for support of Isaac Williams,	

Joseph Lord, Elijah Heath, Nancy Clark, adults, and Rufus Lewis, a child,	51 14
Shutesbury, for support of John Vanaully Susan Vanaully, Welcom Hill, Sarah Phinemore, adults, and Zachariah Phinemore, Clarissa Phinemore, and Charles Phinmore, children,	93 18
Sandisfield, for support of John G. Edwards, adult, and Benjamin Whitney, a child,	26 16
South Reading, for support of Felix Moan, Christopher Brown, Mary Brown, adults,	41 30
Salem, for support of 115 adults, 33 children, and funeral expenses,	1,697 20
Shelburne, for support of Mary Bates, John Fowler, and Lucinda Fowler, adults,	111 00
Somerset, for support of Polly Hill, Ann Mc Given, adults, and Alice Mc Given and Thomas Mc Given, children,	112 30
Seekonk, for support of Robert Voorhis, Reuben Frost, Elizabeth Cowden, Molly Bears, adults, and funeral expenses,	111 90
Swanzey, for support of Marther Dusness, Juda Mecarter, and Diadona Boston, adults,	79 60
Stoneham, for support of Cloe Freeman, Nancy Freeman, and Thomas Thompson, adults, and funeral expenses,	81 10
Shirley, for support of Mary Mc Kensie, and William Shealer, adults, and Fanny Mitchell, Charles Mitchell, and Walter J. Mitchell, children,	126 60
Southbridge, for support of Albrow Reynolds, adult,	36 50
Sturbridge, for support of Samuel Weldon, adult,	36 50

# PAUPER ACCOUNTS.

513

Sterling, for support of Robert Mahans, adult,	9 10
Saugus, for support of Joseph Clarenbowl, adult,	37 40
Scituate, for support of Zilpha Whitcomb, Zilpha Scott, Betsey Freeman, adults, and Elizabeth G. Freeman, Olive Freeman, Lem- uel Freeman, children, and funeral expenses,	143 70
Tolland, for support of Hannah Mather and John Conklin, adults, and funeral expenses,	41 70
Topsfield, for support of Phillis Emerson, Henry Charles Prescher, and Asa Foster, adults,	47 90
Tyringham, for support of 11 adults, 4 chil- dren, and funeral expenses,	370 05
Taunton, for support of 22 adults, 10 children, and funeral expenses,	409 56
Truro, for funeral expenses,	15 00
Tewksbury, for support of Dennis Gorman, John Watson, Benjamin Hoyt, Dorothy Hoyt, and John Wood, adults,	31 00
Townsend, for support of Edward McBride, Anna Freeman, and Samuel Babcock, adults, and Samuel B. Jackson, Henry J. Jackson, John Gardner Freeman, and Tho- mas Jefferson Freeman, children,	56 67
Tyngsborough, for support of Wid. Catharine McClenna, Allred Willey, adults, and funer- al expenses,	25 20
Troy, for support of Benjamin S. Sweet, John Harris, Betsy Brownell, adults, and Mary Ann Carter and Mary Ann Deolin, children,	31 82
Uxbridge, for support of Mary Pratt and Ura- nia Gardner, adults,	43 70
Upton, for support of Mary Bryant, adult,	36 50

Westhampton, for support of Jane Gay, Sylvia Miller, adults, Filia Sherman, Robert Livingston, Charles Peter Ellis, Mary Ann Culver, children, and funeral expenses,	114 98
West Springfield, for support of Hannah Shivyoy, Lois Shevoy, Louisa Chapin, Volatine Worthy, John Green, adults, Rodney Benedict, John Benedict, Leonard Freeman, and Richard Benedict, children,	229 64
Warwick, for support of Samuel Gunn, Molly Gunn, John C. Miller, adults, Charles Gunn, a child, and funeral expenses,	97 16
West Bridgewater, for support of Thomas Quindly, adult,	36 50
Ware, for support of Thomas Dennison, Jacob Jackson, John J. Upham, adults, and G. W. Booth, Horace Booth, Eliza Olney, Caroline Olney, and Henry Olney, children,	219 00
Westfield, for support of John N. Berry, Esther Berry, Assenath Gibson, Mary Parks, Mary Ann Baker, Hepzibath Brewer, Betsy Rose, Sally Baker, Benjamin Miller, Merritt Blakesly, John Carter, James Slater, adults, Eunice French, George Dewey, Cynthia Baker, Luriah Spires, Virgil Watson, Thomas J. Watson, children, and funeral expenses,	393 86
Waltham, for support of James Buchanan, adult,	30 50
West Newbury, for support of Rebecca Duncan Renton, George Keely Renton, William Alfred Renton, and Thomas Renton, children,	76 56
Westborough, for support of Primus Titus,	

# PAUPER ACCOUNTS.

515

adult, and for expenses in taking care of John Sheffield's family, with small pox,	148 72
Williamsburg, for support of James Turner, adult, and Theodosia Turner, a child,	58 40
Ward, for support of Sarah Wiser, adult,	36 50
Western, for support of Joseph R. Trim, a child,	9 12
Weymouth, for support of Philis Peach, Elizabeth Lawler, adults, William Lawler, Charles Lowler, Elizabeth Lowler, and Henry Lowler, children,	119 04
Watertown, for support of 37 adults and 10 children,	355 44
West Stockbridge, for support of 11 adults, 6 children, and funeral expenses,	276 32
Washington, for support of Henry Pantton and Ruth Rigby, adults,	73 00
Williamstown, for support of 9 adults and 15 children,	412 10
West Cambridge, for support of Mr. Claton, Mrs. Claton, Owen Carroll, William Sloane, Richard Wheeldon, James Hickey, Mrs. Jane Hickey, Aaron Pond, Mrs. Anna Brown, Thomas Rand, James Ashton, adults, and funeral expenses,	35 00
Westport, for support of Nathaniel Nottage, John Thompson, Darius Collins, adults,	52 50
Wrentham, for support of Sylvia Pettice, Ibarry Boylston, William Jacks, William Braddock, Richard Woies, John Grayham, adults,	60 90
Wilbraham, for support of Eunice David, Mary Walker, Ellis Dodge, John Ammidon, Joanna Ammidon, Charles Noe, Sally Noe, adults, Samuel Wright, Persis A. Noe,	

Charles Noe, Jr., Esther Truden, William P. Truden, children,	279 46
Whately, for support of Jesse Jewett, Eliza- beth M. Coy, adults,	72 80
Wenham, for support of Pompey Porter, Sa- rah English, adults,	73 00
Worcester, for support of sundry paupers, in the House of Correction,	119 90
Weaver Sheffel, Guardian of Troy Indians, for supplies to Thankful Simons, and his allow- ance,	44 00
Yarmouth, for support of Black Let, and Anna Knight, adults, and funeral expenses,	62 40
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Whole amount,	\$53,087 72

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MILITARY ACCOUNTS.

FOR JANUARY SESSION, 1833.

*Aids de Camp to Major Generals.*

Aaron Davis Capen, to Jan. 1, 1833,	50 00
William S. Allen, to Dec. 31, 1832,	25 00
Micah M. Rutter, to Dec. 31, 1832,	25 00
Charles Ely, to Dec. 5, 1832,	23 27
Welcome Young, to Jan. 1, 1833,	25 00
Thomas Kiunnicut, to July 8, 1832,	50 00
John C. Hunt, to Jan. 1, 1833,	19 92

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\$218 19



*Brigade Majors.*

Bradford L. Wales, to Sept. 1, 1832,	26 67
Thomas Adams, Jr., to Jan. 1, 1833,	13 33
Truman Clarke, to Aug. 22, 1832,	25 77
Emor S. Sayles, to Jan. 1, 1833,	13 67
William C. Tyler, to Jan. 1, 1833,	51 11
Jabez W. Barton, to Dec. 31, 1832,	40 00
M. P. Parish, to Jan. 1, 1833,	23 00
Wyman Richardson, to Jan. 1, 1833,	40 00
William M. Lathrop, to Jan. 1, 1833,	40 00
Hiram F. Stockbridge, to Jan. 1, 1833,	40 00
Spencer Gloyd, to Feb. 15, 1831,	16 10
James R. Sproat, to Jan. 1, 1833,	40 00
George B. Atwood, to Jan. 1, 1833,	40 00
James H. Bodfish, to Dec. 31, 1832,	19 45
Linus Child, to Jan. 1, 1833,	40 00
Increase Sumner, to Jan. 1, 1833,	40 00
Albert G. Belden, to Jan. 1, 1833,	40 00
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	\$549 10

*Adjutants.*

E. W. Stone, to Jan. 1, 1833,	25 00
Francis D. Holbrook, to Jan. 1, 1833,	25 00
Elbridge G. Dudley, to Jan. 1, 1833,	31 25
Emor S. Sayles, to Aug. 28, 1832,	16 45
Sumner Crosby, to Jan. 1, 1833,	25 00
Calvin W. Haven, to Jan. 1, 1833,	25 00
Jabez Pratt, to Jan. 1, 1833,	10 00
Joseph L. Chase, to Aug. 11, 1831,	12 50
Abiel Wales, to Sept. 25, 1831,	5 21

Daniel W. Rogers, to Jan. 1, 1833,	25 00
Hazen Ayer, to Jan. 1, 1833,	25 00
William Dodge, to May 30, 1832,	10 42
Stephen Adams, Jr., to Jan. 1, 1833,	25 00
David Giddings, to Aug. 1, 1832,	14 58
William Brown, to Jan. 1, 1833,	50 00
Benjamin Dana, to Jan. 1, 1833,	25 00
Albert P. Rockwood, to Jan. 20, 1833,	9 34
Benjamin G. Hill, to Jan. 1, 1833,	25 00
Josiah Clark, to Jan. 1, 1833,	25 00
Horace Heard, to Jan. 1, 1833,	25 00
Henry J. Baxter, to Jan. 1, 1833,	25 00
Isaac A. Cooley, to Sept. 1, 1832,	41 67
William L. Terrett, to Dec. 31, 1832,	12 50
Horace Lyman, to Jan. 1, 1833,	16 66
C. R. Baldwin, to Jan. 1, 1833,	25 00
Samuel W. Kirkland, to Jan. 1, 1833,	25 00
John J. Graves, to Jan. 1, 1833,	25 00
Aretas Ferry, to Jan. 1, 1833,	17 99
Osmund L. Nelson, to Jan. 1, 1833,	32 15
Charles Smead, to Jan. 1, 1833,	25 00
Rufus B. Bradford, to Jan. 1, 1833,	25 00
Horace Collamore, to Jan. 1, 1833,	25 00
Dion Bryant, to Jan. 1, 1833,	31 73
William H. Cushman, to Jan. 1, 1833,	25 00
Elijah Cushing, to July 25, 1831,	8 53
Henry Luther, to Jan. 1, 1833,	25 00
James H. Collins, to Jan. 1, 1833,	18 75
George Danforth, to Jan. 1, 1833,	25 00
Ira Newman, to Jan. 1, 1833,	25 00
John I. Lawton, to Jan. 1, 1833,	25 00
Theodore Kern, to Jan. 1, 1833,	25 00
Obed Brooks, Jr., to July 1, 1832,	37 50
Cornelius Hamblin, to Jan. 1, 1833,	50 00

# MILITARY ACCOUNTS.

519

Amos W. Pitts, to Jan. 1, 1833,	25 00
Joseph Knox, to Jan. 1, 1833,	25 00
Samuel C. Fiske, to Jan. 1, 1833,	25 00
Elijah Sawyer, to Jan. 1, 1833,	25 00
Willard S. Wood, to Jan. 1, 1833,	42 80
Spencer Field, to Dec. 1, 1832,	25 00
Reuel Lawrence, to Jan. 1, 1833,	25 00
Edmund H. Nichols, to Jan. 1, 1833,	15 00
Edson Sexton, to Jan. 1, 1833,	25 00
Rodney Hill, to Jan. 1, 1833,	15 00
Resolved Wood, to Sept. 1, 1832,	25 00
Ambrose Nicholson, to Jan. 1, 1833,	21 11
Samuel Bacon, to Jan. 1, 1833,	18 96
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	\$1,340 10

## *Hauling Artillery.*

Joseph B. Toule,	1832,	8 00
Martin Vining,	"	12 00
Levett Bonney,	"	7 50
Timothy L. Pond,	"	10 00
John Hoppin,	"	40 00
Benjamin Brown, Jr.,	"	30 00
John Wilson,	"	30 00
Henry Sargent,	"	30 00
Joshua P. Trask,	"	11 25
William Haskell,	"	10 00
Benjamin Dennis,	"	10 00
John Bradbury,	"	20 00
Charles Wardwell,	"	15 00
John M. Robertson,	"	25 50
Abel B. Heywood,	"	15 00
Hiram Bridges,	"	20 00
John W. Hayward,	"	23 00

Phinehas G. Prescott,	1832,	7 50
Henry A. Bridgman,	"	15 00
George Whipple,	"	11 00
Eli Cross,	"	11 50
J. W. White,	1831,	12 00
Josiah Pratt,	1832,	12 00
H. B. Bardwell,	"	10 70
Randol Dyer,	"	14 00
William Pomroy, Jr.,	"	16 75
Isaac H. Haskins,	"	12 00
Spencer Vining,	"	6 50
Eleazer S. Bartlett,	"	10 00
Hiram Hunt,	"	15 00
Marvin Cheney,	"	10 60
Leonard Howe,	"	4 50
Timothy Lincoln,	"	10 00
George W. Reed,	"	6 67
Gilbert Munson,	"	2 25
Abraham Tobey,	"	5 77
Samuel A. Crane,	"	7 25
		<hr/>
		\$518 24

*For services rendered by the special order of the Commander in Chief.*

Major Gen. Nathan Heard,	1831,	5 56
Aid de Camp Thomas Kinnicut,	1830,	12 00
		<hr/>
		\$17 56

*Court Martial,*

Holden at Dedham, December 3d, 1832.

Col. Edward G. Prescott, <i>President,</i>	38 00
" Preston Pond, <i>Member,</i>	26 80

## MILITARY ACCOUNTS.

521

<i>Lt. Col.</i>	Peter Dunbar,	<i>Member,</i>	26 00
<i>Maj.</i>	Seth J. Thomas,	"	26 00
<i>Lt. Col.</i>	Ivers J. Austin,	<i>Judge Advocate,</i>	50 00
<i>Maj.</i>	F. W. Lincoln,	<i>Marshall,</i>	25 60
<i>Serg't.</i>	John Gorham,	<i>Orderly,</i>	25 00
<i>Col.</i>	Thomas Davis,	<i>Complainant,</i>	8 00
	Sumner Crosby,	<i>Witness,</i>	3 50
	F. W. Lincoln,	"	1 50
	Thomas Davis,	"	2 50
	Daniel McGregor,	"	2 50
	Ira Eldridge,	"	1 50
	John L. White,	"	1 50
	Daniel Crockett, Jr.,	"	1 50
	Henry H. Huggeford,	<i>Dep. Sheriff,</i>	4 70
	Winthrop G. Babbit, constable, summoning witnesses, &c.,		1 90
	Francis Alden, for use of his hall, fire, &c.,		6 00
			<hr/>
			\$252 50

*Court Martial,*

Holden at Dedham, December 3d, 1832.

<i>Col.</i>	Edward G. Prescott,	<i>President,</i>	58 00
"	Preston Pond,	<i>Member,</i>	41 60
<i>Lt. Col.</i>	Peter Dunbar,	"	40 00
<i>Maj.</i>	Seth J. Thomas,	"	40 00
<i>Lt. Col.</i>	Ivers J. Austin,	<i>Judge Advocate,</i>	76 00
<i>Maj.</i>	F. W. Lincoln,	<i>Marshal,</i>	39 20
<i>Serg't.</i>	John Gorham,	<i>Orderly,</i>	34 00
<i>Col.</i>	Thomas Davis,	<i>Complainant,</i>	13 00
	Sumner Crosby,	<i>Witness,</i>	3 00
	Thomas Davis,	"	3 00
	F. W. Lincoln,	"	1 50

John S. Tyler,	<i>Witness,</i>	3 50
Peter Dunbar,	"	2 00
Francis Grimes,	"	2 50
John L. White,	"	4 00
Edmund D. Cassel,	"	2 50
William C. Tyler,	"	2 00
Ira Edridge,	"	3 00
Louis Dennis,	"	7 00
Charles Jones,	"	3 00
John Kendall,	"	1 50
James L. Barber,	"	2 50
Job Tabor,	"	4 50
William Baxter,	"	1 50
Robert H. Clouston,	"	1 50
Henry H. Huggeford,	<i>Deputy Sheriff,</i>	4 70
Winthrop G. Babbit,	<i>Constable, summoning</i>	
witnesses, &c.,		6 15
Francis Alden, for stationary and fires,		24 68
		<hr/>
		\$425 33

*Court Martial,*

Holden at Cambridge, February 20th, 1832.

<i>Col.</i> Samuel Chandler,	<i>President,</i>	61 16
Elisha Stratton,	<i>Member,</i>	41 28
John T. Torrey,	"	44 00
John M. Read,	"	43 52
Bela Greenwood,	"	40 48
William Draper,	<i>Judge Advocate,</i>	88 32
Micah M. Rutter, Jr.,	<i>Marshal,</i>	41 60
Charles Pool,	<i>Orderly,</i>	12 00
Theodore L. Stiles,	<i>Witness,</i>	8 16
Thomas O. Brackett,	"	4 62

Abraham P. Pritchard, <i>Witness,</i>	7 16
Oliver W. Preston,                   “	7 08
Benjamin G. Hill,                   “	7 02
Jesse E. Dow,                       “	4 58
William Beckford,                   “	3 58
Henry Davis,                       “	2 66
Edward R. Dorr,                   “	6 08
John Wilson,                       “	5 82
Charles P. Gordon,                   “	6 66
Norman Mason,                   “	6 32
Shelden Crocket,                   “	6 24
Charles Poor,                       “	6 16
Philander Ames,                   “	6 66
James Deblois,                   “	6 16
Joseph Currell,                   “	5 66
Ezra O. Eaton,                   “	6 32
Nathan Blodget,                   “	6 82
Thomas Andrews,                   “	2 66
Levi Parker, for attendance and stationary,	2 81
Gorham Bigelow, for use of hall, fuel, stationary,	
&c.,	35 00
	<hr/>
	\$526 59

*Court Martial,*

Holden at Boston, March 5th, 1832.

<i>Brig. Gen.</i>	William Peck,	<i>President,</i>	98 40
<i>Col.</i>	Thomas Davis,	<i>Member,</i>	60 00
“	Charles Lane,	“	64 00
<i>Lt. Col.</i>	Abijah Ellis,	“	66 00
“	Luther Eaton,	“	62 80
	Horace Mann,	<i>Judge Adv.</i>	132 00
<i>Maj.</i>	Abm. F. Edwards,	<i>Marshal,</i>	60 00

<i>Serg't.</i>	Stephen Rhoades,	<i>Dep. Marshal,</i>	16 00
"	Ira Eldridge,	"	34 00
	Josiah Quincy, Jr.,	<i>Witness,</i>	1 50
	James T. Austin,	"	2 00
	Newell A. Thompson,	"	5 00
	Aaron D. Capen,	"	5 00
	Edward Stow,	"	4 00
	Joshua H. Hayward,	"	1 00
	Charles P. Sumner,	"	0 50
	Josiah Baldwin,	"	1 00
	William H. Sumner,	"	13 00
	Jeremiah J. Fiske,	"	3 00
	William Thorndike,	"	2 00
	Henry H. Huggeford,	<i>Deputy Sheriff,</i>	8 53
	Daniel Merrill, preparing rooms, making fires,		
&c.,			44 00
	Horace Mann, for stationary,		16 50
			<hr/>
			\$700 23

*Board of Military Officers, assembled at Charlestown, on  
the 14th March, 1832.*

Samuel Chandler,	<i>President,</i>	27 80
Elisha Stratton,	<i>Member,</i>	18 64
John T. Torrey,	"	20 00
John M. Read,	"	19 76
Bela Greenwood,	"	18 16
William Draper,	<i>Rec'g Officer,</i>	38 16
		4 00—42 16
Micah M. Rutter, Jr.,	<i>Marshal,</i>	18 80
Wyman Richardson,	<i>Witness,</i>	3 60
John Wilson,	"	2 82
Charles Adams,	"	1 98
James T. Palmer,	"	1 32



# MILITARY ACCOUNTS.

525

John Tarbell,	<i>Witness,</i>	3 30
Joseph F. Boyd,	"	2 66
Charles P. Gordon,	"	3 16
George Lane,	"	1 16
Nathan Blodgett,	"	2 66
Thomas O. Brackett,	"	3 62
Theodore L. Stiles,	"	2 60
Stephen Stimpson,	"	3 62
Abm. R. Lockwood,	"	3 62
Charles Saunderson,	"	2 66
		1 74—4 40
Thomas C. Dyer,	"	2 82
William Beckford,	"	3 16
Franklin Webster,	"	2 66
Abm. P. Pritchard,	"	3 16
William S. Cook,	"	2 66
John A. Barnicoat,	"	2 66
Nathaniel W. Starbird,	"	2 82
Simon H. Barrett,	"	3 62
Henry K. Frothingham,	"	2 66
Benjamin Johnson,	"	3 62
Gorham Bigelow, for hall, fuel, stationary &c.,		16 00
		<hr/> \$251 68

## AGGREGATE OF ROLL, NO. 107.

Pauper Accounts, \$53,087 72

### *Military Accounts.*

Aids de Camp,	218 19
Brigade Majors,	549 10
Adjutants,	1,340 10
Hauling Artillery,	518 24

Court Martial, at Dedham,	252 50	
“ “ “	425 83	
“ “ at Cambridge,	526 59	
“ “ at Boston,	700 23	
	<hr/>	1,905 15
Services rendered by special order of the Commander in Chief,		17 56
Board of Military Officers, assembled at Charlestown,		251 68
	<hr/>	<hr/>
		\$57,887 74

## Commonwealth of Massachusetts.

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In the Year of Our Lord One Thousand Eight Hundred  
and Thirty-Three.

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### RESOLVE

*Authorizing the payment of certain Military and Pauper  
Accounts.*

*Resolved*, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in the foregoing Roll, the sums set against their names respectively, amounting in the whole, to the sum of fifty-seven thousand eight hundred and eighty-seven dollars, and seventy-four cents, the same being in full discharge of the accounts and demands to which they refer.

IN SENATE, Feb. 27, 1833.

Read twice, and passed.

Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, Feb. 27, 1833.

Read twice, and passed in concurrence.

W. B. CALHOUN, *Speaker*.

Feb. 28, 1833.

Approved.

LEVI LINCOLN.

## Commonwealth of Massachusetts.

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TREASURY OFFICE, 2d mo. (FEB.) 28th, 1833.

The Treasurer having examined and adjusted the Accounts presented to him, asks leave to Report :—

That there is due to the several persons enumerated on the following Roll, the sums set against their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

Which is respectfully submitted.

HEZEKIAH BARNARD, *Treasurer.*

*To the Senate, and  
House of Representatives.*

## ROLL OF ACCOUNTS

*Audited by the Treasurer of the Commonwealth, and reported February 28th, 1833.*

### SHERIFFS.

Brown, Henry C., for returning votes for Governor, Electors of President, &c., to December, 1832,	44 80
Crocker, David, for returning votes for Governor, Electors of President, &c., to November, 1832,	11 20
Folger, Peleg S., for returning votes for Governor, Electors of President, &c., to November, 1832,	21 60
Hayward, Nathan, for returning votes for Governor, &c., to November, 1832,	12 80
Leonard, Horatio, for returning votes for Governor, Electors of President, &c., to November, 1832,	6 40
Nevers, John, for returning votes for Governor, &c., to Nov. 1832,	16 00
Pease, Isaiah D., for returning votes for Governor, Members of Congress, Electors of President, &c., to Nov. 1832,	33 00
Rice, Caleb, for returning votes for Governor, Electors of President, &c., to Nov. 1832,	14 40
Sprague, Joseph E., for returning votes for Governor, Members of Congress, &c., and for distributing writs of election, &c., to Nov. 1832,	54 20

Sumner, Charles P., for services and expenses in removing the body of Williams Roby from the jail in Boston, to the State Prison in Charlestown, Sept. 1832,	5 00
Varnum, B. F., for returning votes for Governor, and Members of Congress, and distributing writs of election, &c., to Nov. 1832,	52 50
	<hr/>
	\$271 90

## CORONERS.

Cudworth, Abiel, taking inquisitions, &c., to September, 1832,	11 40
Hinckley, E. M., taking inquisitions, &c., to December, 1832,	33 15
Needham, Thomas, taking inquisitions, to November, 1832,	16 12
Pease, Peter, for burying the body of a stranger, May, 1832,	7 00
Snow, Prince, taking inquisitions, &c., to December, 1832,	95 12
Shute, Ebenezer, taking inquisitions, &c., to December, 1832,	58 26
Wade, William F., for burying the body of a stranger, December, 1832,	7 00
	<hr/>
	\$228 05

## PRINTERS.

Adams & Hudson, for publishing laws, amendments, &c., and for papers to February 28th, 1833,	357 91
Adams, John R., for publishing laws, advertising, &c., to August, 1832,	56 84

# PRINTERS.

531

Allen, E. W., for publishing laws and amendments, to August, 1832,	25 67
Allen, Benjamin T., for publishing laws, to January 1st, 1833,	16 67
Allen, Phinehas & Son, for publishing laws and amendments, to December, 1832,	20 67
Atwill, W., for publishing laws and amendments, to May, 1832,	25 66
Badger & Porter, for advertising, and for papers to February 26th, 1833,	265 48
Barrett, George C., for papers supplied to February 21st, 1833,	73 85
Beals, Homer & Co., for publishing amendments, advertising, &c., and for papers to February 28th, 1833,	222 91
Boston Christian Herald, for papers supplied to February 27th, 1833,	52 56
Bowles, Samuel, for publishing laws, to January, 1833,	41 65
Buckingham, Joseph T., for advertising, &c., and for papers, to February 28th, 1833,	253 36
Buffum, Jonathan, for publishing laws, to January 1st, 1833,	16 66
Bush, S. W., for publishing laws, to January, 1833,	16 66
Chapin, Jacob, for publishing amendments and laws, to January 1st, 1833,	25 67
Clapp, William W., for publishing laws, amendments, &c., and for papers to February 23d, 1833,	167 95
Clapp, J. B., for publishing laws, to January 1st, 1833,	16 66
Colton, S. H., for publishing laws, to January 1st, 1833,	16 67

Congdon, B. T., for publishing laws, to January 1st, 1833,	16 66
Danforth, Allen, for publishing laws to January 1st, 1833,	16 67
Dorr & Howland, for publishing laws and amendments, advertising, &c., to January 1st, 1833,	56 67
Drew, Benjamin, Jr., for advertising, in August, 1832,	1 00
Dutton & Wentworth, for advertising, and for papers, to February 28th, 1833,	22 83
Ela, David H., for papers supplied to February 23d, 1833,	21 68
Eldredge, John B., for publishing laws, to January 1st, 1833,	16 67
Farmer, J., for publishing amendments and laws, to January 1st, 1833,	25 67
Fogte & Brown, for publishing amendments and laws, and advertising, to January 1st, 1833,	66 15
Garrison & Knapp, for papers supplied to February 23d, 1833,	32 30
Grout, Moses W., for publishing laws to January 1st, 1833,	33 34
Hale, Nathan, for publishing laws, amendments, &c., and for papers, to February 28th, 1833,	349 71
Hallet, Benjamin F., for papers supplied to February 28th, 1833,	153 91
Judd, Sylvester, for publishing amendments and laws, to January 1st, 1833,	33 99
Meacham, R., for publishing amendments and laws, to January 1st, 1833,	21 66
Mudge, Benjamin, for publishing amendments and laws, to January, 1832,	31 00



# PRINTERS ACCOUNTS.

533

Nichols, William, for papers supplied to February 23d, 1833,	17 01
Palfray, Warwick, Jr., for publishing laws and amendments, to January 1st, 1833,	38 00
Palfray & Cook, for publishing laws, to January 1st, 1833,	16 66
Phelps & Ingersoll, for publishing laws, to January 1st, 1833,	16 67
Prescott, Edward G., for papers supplied to February 23d, 1833,	53 54
Proprietors of N. E. Artisan, for papers supplied to February 28th, 1833,	34 00
Proprietors of Boston Globe, for papers supplied to February 23d, 1833,	11 43
Proprietors of Boston Investigator, for papers supplied to February 23d, 1833,	12 46
Spooner, M. & Co., for publishing amendments, laws, &c., to January 1st, 1833,	28 00
Tannatt, A. G., for publishing amendments, laws, &c., to January 1st, 1833,	56 15
Thayer, A. W., for publishing amendments, laws, &c., to January 1st, 1833,	21 67
True & Greene, for papers supplied to February 28th, 1833,	144 38
Willis, Nathaniel, for papers supplied to February, 28th, 1833,	47 77
	<hr/>
	\$3,076 15

## MISCELLANIES.

Adams, W. & G. W., blacksmiths' work, for repairs, &c., on the State House, to January, 1833,	126 89
Ballard & Prince, for carpeting and bocking, furnished to December, 1832,	76 13
Beaumont, Charles, for cleaning and repairing portraits, &c., November, 1832,	55 00
Brewer, George A., for painted carpeting, &c., for the fire proof buildings, to November, 1832,	191 13
Bradlee, Samuel & Son, for hard ware, &c., supplied for repairs on the State House, to February, 1833,	78 93
Blaney, Henry, for masons' work in and about the State House, to January, 1833,	167 08
Burditt, James W., for stationary, to February, 1833, viz :	
For the Legislature,	535 04
" Secretary,	165 94
" Treasurer,	1 02
" Land Office,	5 47
" Library,	24 15
	<hr/> 731 62
Carter & Hendee, for stationary, &c., to October, 1832, viz :	
For Adjutant General,	86 06
" Secretary,	21 75
	<hr/> 107 81
Coffin, Joshua, for copying the Journal of the Convention of 1779 and 1780, per resolve of March 24th, 1832,	48 87

Doggett, John & Co., for six new picture frames, ordered by the Secretary, per resolve of 23d March, 1832,	168 00
Gore & Baker, for painting, &c., to February, 1833, viz.:	
Fire proof buildings,	52 15
Land Office,	48 55
Book cases, &c.,	74 95
Labels for portraits,	20 00
	195 65
Hancock, William, for making, binding, and putting down carpets, &c., in the fire proof buildings,	13 75
Jones, Lewis, for stove pipes, repairing funnels, &c., to February, 1833,	19 86
Loring, Benjamin & Co., for paper, &c., supplied the Secretary, to December, 1832,	13 25
Loring, James, for 13 Massachusetts Registers, for the use of the Council, &c.,	10 84
Loring, Josiah, for stationary, to February, 1833, viz.:	
For Secretary, &c.,	73 00
" Treasurer,	60 08
	133 08
Lovett, Charles W., for arranging and preparing for removal to the fire proof edifice, the papers of the Council, of the House of Representatives, &c. &c., and making a descriptive catalogue of the same, to January 1st, 1833,	586 50
Oliver, John, Keeper of Rainsford Island, his annual allowance for 1832, including wood,	104 44
Parker, Amos B., for 100 militia laws, furnished the Adjutant General, November, 1832,	11 00

## AGGREGATE.

Snelling, Enoch H., for setting lights, cleaning windows, &c., to January, 1833,	152 31
Wheeler, John H., for repairs and alterations, &c., in and about the State House, to Feb- ruary, 1833,	2,063 95
	<hr/>
	\$5,056 09

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## AGGREGATE.

Sheriffs,	271 90
Coroners,	228 05
Printers,	3,076 15
Miscellanies,	5,056 09
	<hr/>
	\$8,632 19

## Commonwealth of Massachusetts.

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In the Year of Our Lord One Thousand Eight Hundred  
and Thirty-Three.

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*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons named in the accompanying Roll, the sums set against their names respectively, amounting, in the whole, to the sum of eight thousand six hundred and thirty-two dollars and nineteen cents, the same being in full discharge of all the accounts and demands to which they refer; and His Excellency the Governor is hereby requested to draw ~~his~~ warrant accordingly.

IN SENATE, March 2d, 1833.

Read twice, and passed.

Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, March 2d, 1833.

Read twice, and passed in concurrence.

W. B. CALHOUN, *Speaker*.

March 2d, 1833.

Approved.

LEVI LINCOLN.

## Commonwealth of Massachusetts.

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TREASURY OFFICE, 3d Mo. (March) 22d, 1833.

The Treasurer, having examined and adjusted the accounts presented to him, in compliance with an order of the Legislature, of the 13th instant, asks leave to Report, that there is due to the several persons enumerated on the following Roll, the sums set against their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

Respectfully submitted,

HEZEKIAH BARNARD, *Treasurer.*

*To the Senate,  
and House of Representatives.*

IN SENATE, MARCH 22, 1833.

Referred to the Committee on accounts.

Sent down for concurrence.

CHARLES CALHOUN, *Clerk.*

HOUSE OF REPRESENTATIVES, MARCH 22, 1833.

Concurred.

L. S. CUSHING, *Clerk.*

## ROLL OF ACCOUNTS,

*Audited by the Treasurer of the Commonwealth, and reported March 22d, 1833.*

### SHERIFFS AND CORONERS.

Lyman, Joseph, returning votes for Governor, Electors of President, &c., to November, 1832,	16 00
Sprague, Joseph E., for distributing act relating to the Election of Members to Congress, to March, 1833,	13 00
Snow, Prince, for burying the body of a stranger, February 15, 1833,	7 00
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	\$36 00

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### PRINTERS.

Adams and Hudson, for advertising, and for papers to March 23d, 1833,	100 74
Albro, Benjamin T., for publishing laws to January 1st, 1833,	16 67
Atwill, Herman, for publishing laws to January 1st, 1833,	16 67
Badger and Porter, for papers supplied to March 23d, 1833,	96 38
Barrett, George C., for papers supplied to March 16th, 1833,	28 31
Beals, Homer and Co., for papers supplied to March 23d, 1833,	75 58

Bazin, George W., for papers supplied to March 23d, 1833,	23 16
Buckingham, Joseph T., for papers supplied to March 23d, 1833,	88 92
Clapp, William W., for papers supplied to March 23d, 1833,	58 60
Dutton and Wentworth, for papers supplied to March 23d, 1833,	7 83
Eastburn, John H., for papers supplied to March 23d, 1833,	65 66
Garrison and Knapp, for papers supplied to March 23d, 1833,	16 61
Greene and Hewes, for papers supplied to March 18th, 1833,	15 75
Hale, Nathan, for advertising and for papers to March 23d, 1833,	109 70
Hallett, Benjamin F., for papers supplied to March 23d, 1833,	57 67
Holbrook, Josiah, for papers supplied to March 23d, 1833,	31 84
Johnson, Oliver, for papers supplied to March 24th, 1833,	2 50
Mann, Herman, Jr., for publishing amend- ments and laws, to January 1st, 1833,	25 66
Moore and Sevey, for papers supplied to March 16th, 1833,	10 39
Nichols, William, for papers supplied to March 23d, 1833,	6 92
Prescott, Edward G., for papers supplied to March 23d, 1833,	23 08
Proprietors of New England Artisan, for pa- pers supplied to March 21st, 1833,	11 30
Reed, David, for publishing amendments, and for papers supplied to March 23d, 1833,	56 26



# PRINTERS.

541

Thacher, M. and T., for papers supplied to March 19th, 1833,	13 84
Tiffany, Edwin D., for publishing laws, to January 1st, 1833,	16 67
True and Greene, for papers supplied to March 23d, 1833,	86 45
Wheildon, William W., for publishing amend- ments, laws, &c., to January 1st, 1833,	27 66
Willis, Nathaniel, for papers supplied to March 23d, 1833,	15 93
	<hr/>
	\$1,106 75

# MISCELLANIES.

Bacon, Henry, assistant messenger, to March 23d, 1833,	148 00
Blaney, Henry, for masons' work about the State House, to August, 1832,	9 00
Burditt, James W., for stationary, to March 16th, 1833, viz.:	
For the Legislature, \$100 52	
“ Secretary, 49 62	
	<hr/>
	150 14
Chase, Warren, assistant messenger, to March 23d, 1833,	148 00
Cutting, Elijah W., assistant messenger, to March 23d, 1833,	148 00
His son, as page to the Senate, to March 23d, 1833,	70 00—218 00
Goodrich, Isaac W., for stationary for the sec- retary, to March 18th, 1833,	73 25
Kuhn, Jacob, balance of his account to March 20th, 1833,	282 84

## AGGREGATE.

Murphey, David, assistant messenger, to March 23d, 1833,	144 00
Pendleton, William S., drawing map, recut- ting specimen plates, and printing the same, for the instruction of the blind, to March 14th, 1833,	77 50
Pitts, Sarah, for her son, as page to the House of Representatives, to March 23d, 1833,	70 00
Wheeler, John H., for repairs, &c., in the State House, to March 16th, 1833,	99 05
	<hr/>
	\$1,419 78

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 AGGREGATE.

Sheriffs and Coroners,	36 00
Printers,	1,106 75
Miscellanies,	1,419 78
	<hr/>
	\$2,562 53

## RESOLVE

*For the payment of sundry Accounts reported by the  
Treasurer.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons named in the accompanying Roll, the sums set against their names respectively, amounting, in the whole, to the sum of two thousand five hundred and sixty-two dollars and fifty-three cents, the same being in full discharge of all the accounts and demands to which they refer; and His Excellency the Governor, with advice of Council, is hereby requested to draw his warrant accordingly.

IN SENATE, MARCH 23, 1833.

Read twice, and passed.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, MARCH 27, 1833.

Read twice, and passed in concurrence.

W. B. CALHOUN, *Speaker*.

March 27, 1833.

Approved.

LEVI LINCOLN.

## Commonwealth of Massachusetts.

---

SECRETARY'S OFFICE, JUNE 6, 1833.

I HEREBY CERTIFY, That I have compared the Resolves, Messages, and other Documents, printed in this pamphlet, with the Originals remaining in this office, and find the same to be correct.

EDWARD D. BANGS,

*Secretary of the Commonwealth.*

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### OF JANUARY, FEBRUARY, AND MARCH, 1833.

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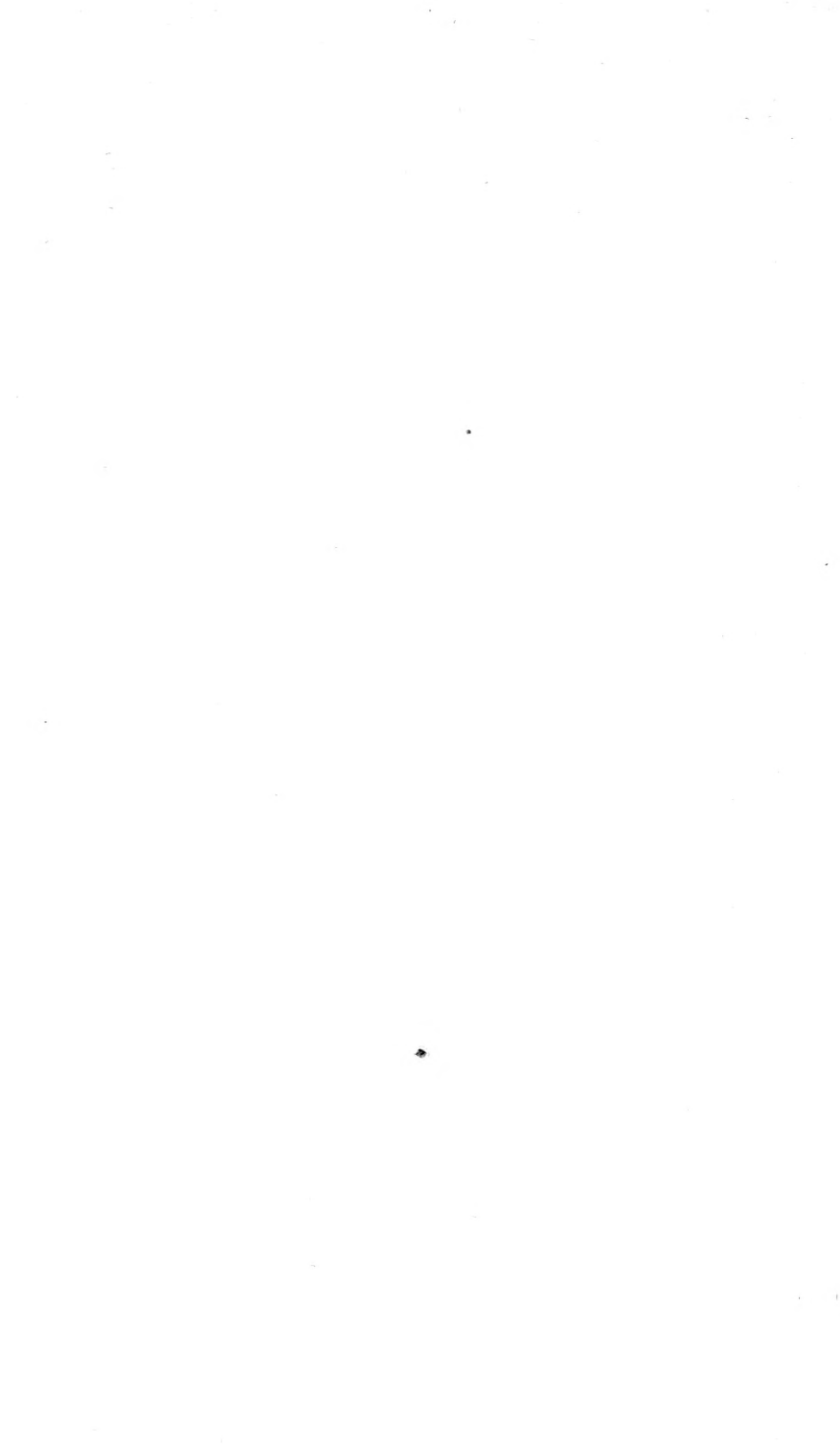
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# RESOLVES

OF

## THE GENERAL COURT

OF THE

### Commonwealth of Massachusetts,

PASSED AT THEIR SESSION,

WHICH COMMENCED ON WEDNESDAY, THE FIRST OF JANUARY AND ENDED ON  
WEDNESDAY, THE SECOND OF APRIL, ONE THOUSAND EIGHT HUNDRED  
AND THIRTY-FOUR.

---

Published agreeably to a Resolve of the sixteenth January, 1812.

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**Boston:**

DUTTON & WENTWORTH, PRINTERS TO THE STATE.

.....  
1834.



# **CIVIL GOVERNMENT**

OF THE

**Commonwealth of Massachusetts,**

FOR THE POLITICAL YEAR 1834.

---

HIS EXCELLENCY

**JOHN DAVIS, ESQUIRE,**

**GOVERNOR.**

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HIS HONOR

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<i>Holden,</i>	Charles Chaffin,
	Samuel Daman,
<i>Hubbardston,</i>	Ethan A. Greenwood,
	Moses Waite,
<i>Lancaster,</i>	George Baker,
	Levi Lewis,
<i>Leicester,</i>	Reuben Meriam,
	Joshua Murdock,
<i>Leominster,</i>	Carter Gates,
	David Wilder,
<i>Lunenburg,</i>	Jabez Aldrich,
<i>Mendon,</i>	Lebbeus Gaskill,
	William Legg,
	Warren Rawson,
<i>Milford,</i>	
<i>Millbury,</i>	Henry Mills,
	Amasa Wood,
<i>New Braintree,</i>	Amory H. Bowman,
<i>Northborough,</i>	Joseph Davis,
<i>Northbridge,</i>	Rufus Bennett,
<i>North Brookfield,</i>	John Bigelow,
	Jonathan Cary,
<i>Oakham,</i>	James Allen,
<i>Oxford,</i>	Larned Davis,

556 HOUSE OF REPRESENTATIVES.

<i>Oxford,</i>	Alexander Dewitt,
<i>Paxton,</i>	Tyler Goddard,
<i>Petersham,</i>	Aaron Brooks, Jun.
	Micajah Reed,
<i>Phillipston,</i>	Jason Goulding,
<i>Princeton,</i>	Joshua T. Everett,
<i>Royalston,</i>	Asahel Davis,
<i>Rutland,</i>	Robert Munroe,
<i>Shrewsbury,</i>	
<i>Southborough,</i>	Jeroboam Parker,
<i>Southbridge,</i>	Oliver Hooker,
	Jedediah Marcy,
<i>Spencer,</i>	Lewis Bemis,
	David Prouty,
<i>Sterling,</i>	Gilson Brown,
	Moses Sawyer,
<i>Sturbridge,</i>	Edward Phillips,
	David Wight,
<i>Sutton,</i>	Samuel Cole,
	Samuel Taylor,
<i>Templeton,</i>	Samuel Dadman,
	Artemas Lee,
<i>Upton,</i>	
<i>Uxbridge,</i>	Effingham L. Capron,
	Joseph Thayer,
<i>Ward,</i>	Daniel Green,
<i>Westborough,</i>	Joshua Mellen,
<i>West Boylston,</i>	Robert B. Thomas,
<i>Western,</i>	Joseph Field,
<i>Westminster,</i>	Edward Kendall,
	Merari Spaulding,
<i>Webster,</i>	Charles Tucker,
<i>Winchendon,</i>	William Dunbar,
	Isaac Morse,

*Worcester,*

Charles Allen,  
Lewis Chapin,  
John Flagg,  
Alfred D. Foster,  
Winsor Hatch,  
John W. Lincoln.

**COUNTY OF HAMPSHIRE.***Amherst,*

Osmyn Baker,  
Elijah Boltwood,  
Zebina Dickinson,  
William Bridgeman,  
Jústus Forward,  
Daniel Phelps,

*Belchertown,*

*Chesterfield,*  
*Cummington,*  
*Easthampton,*  
*Enfield,*  
*Granby,*  
*Goshen,*  
*Greenwich,*  
*Hadley,*

Alexis Painter,  
Jason Janes,  
Epaphras Clark,  
Samuel Ayres,  
Asahel Billings,  
Mason C. Darling,  
Oliver Bonney,  
Ephraim Smith,  
Elijah Hubbard,  
Solomon Root,  
Charles P. Huntington,  
Thomas Napier,  
Jonathan Strong,  
Oliver Warner,

*Hatfield,*  
*Middlefield,*  
*Northampton,*

*Norwich,*  
*Pelham,*  
*Plainfield,*  
*Prescott,*

Aaron B. Dimmock,  
Lewis Draper,  
Erastus Bates,  
Danforth Abbot,

*South Hadley,  
Southampton,  
Ware,*

*Westhampton,  
Williamsburg,  
Worthington,*

William Lyman,  
Elisha Edwards,  
Calvin Morse,  
Benjamin Wilder,  
Jesse Lyman,  
Thomas Meekins,  
Jonah Brewster.

## COUNTY OF HAMPDEN.

*Blandford,*

*Brimfield,*

*Chester,*

*Granville,*

*Longmeadow,*

*Ludlow,*

*Monson,*

*Montgomery,*

*Palmer,*

*Russell,*

*Southwick,*

*Springfield,*

*Tolland,*

Logan Crosby,  
Orrin Sage,  
Julius Buel,  
Marquis Converse,  
Forbes Kyle,  
Thomas F. Plunkett,  
Dennison Parsons,  
Samuel Root,  
Seth Taylor,  
Theodore Sikes,

Oren Parks,  
Robert Hitchcock,  
John Gould,  
Abraham Rising, Jr.  
Walter H. Bowdoin,  
Joel Brown,  
William B. Calhoun,  
Benjamin Day,  
Eldad Goodman,  
Joseph Pease,  
Charles Stearns,  
Walter Warriner,  
Roger Harrison,



<i>Wales and Holland,</i>	Elbridge G. Fuller,
<i>Westfield,</i>	Asahel Bush,
	Lewis Fowler,
	Norman T. Leonard,
<i>West Springfield,</i>	Hosea Day,
	Henry Ely,
	Josiah Johnson,
	Lewis Warriner,
<i>Wilbraham,</i>	Stephen Stebbins.

## COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Anson Bement,
	Seth Church,
<i>Bernardston,</i>	Jonathan Allen,
<i>Buckland,</i>	Amos Shepard,
<i>Charlemont,</i>	
<i>Colrairie,</i>	Joel Farley,
	Samuel Pierce,
<i>Conway,</i>	Charles E. Billings,
	Darius Stearns,
<i>Deerfield,</i>	Epaphras Hoyt,
	Stephen Whitney,
<i>Gill,</i>	Seth S. Howland,
<i>Greenfield,</i>	Henry Chapman,
	Julia Smead,
<i>Hawley,</i>	Edmund Longley,
<i>Heath,</i>	Ephraim Hastings,
<i>Leverett,</i>	Eliphalet S. Darling,
<i>Leyden,</i>	Rufus Hastings,
<i>Monroe,</i>	
<i>Montague,</i>	Martin H. Clapp,
<i>New Salem,</i>	Frederick H. Allen,
	William Whitaker,

<i>Northfield,</i>	Thomas Mason,
<i>Orange,</i>	Arad Webster,
<i>Rowe,</i>	Hiram Woodward,
<i>Shelburne,</i>	William Wells,
<i>Shutesbury,</i>	Willard Raymond,
<i>Sunderland,</i>	Horace W. Taft,
<i>Warwick,</i>	Lemuel Wheelock,
<i>Wendell,</i>	Jabez Sawyer, Jr.
<i>Whately,</i>	Chester Brown.

## COUNTY OF BERKSHIRE.

<i>Adams,</i>	Evenel Estes,
	Daniel Jenks,
	Elisha Kingsley,
	George A. Lapham,
<i>Alford,</i>	Chester Foot,
<i>Becket,</i>	Timothy Snow,
<i>Cheshire,</i>	Lyman Northup,
<i>Clarksburg,</i>	
<i>Dalton,</i>	Simeon W. Wright,
<i>Egremont,</i>	Seymour Joyner,
<i>Florida,</i>	
<i>G. Barrington,</i>	Jacob H. Van Deusen,
	Increase Sumner,
<i>Hancock,</i>	John Whitney,
<i>Hinsdale,</i>	Robert Millican,
<i>Lanesborough,</i>	Russell A. Gibbs,
<i>Lee,</i>	Walter Laffin,
	Josiah Yale,
<i>Lenox,</i>	Caleb Belden,
<i>Mt. Washington,</i>	
<i>New Ashford,</i>	

*New Marlborough,*

*Otis,*

*Peru,*

*Pittsfield,*

*Richmond,*

*Sandisfield,*

*Savoy,*

*Sheffield,*

*Stockbridge,*

*Tyringham,*

*Washington,*

*W. Stockbridge,*

*Williamstown,*

*Windsor,*

Aretas Rising,

Elias J. Werden,

Isaac I. Norton,

Elisha Rockwell,

Robert Campbell,

Charles B. Francis,

Samuel M. McKay,

Julius Rockwell,

John L. Plummer,

John H. Allen,

Calvin Burt,

Snellm Babbitt,

Elijah S. Deming,

Derrick J. Spur,

Daniel Churchill,

Henry W. Dwight,

Samuel C. Buel,

Stephen W. Newton,

Martin Hendrix,

Henry L. Sabin,

Josiah Allen.

## COUNTY OF NORFOLK.

*Bellingham,*

*Braintree,*

*Brookline,*

*Canton,*

*Cohasset,*

*Dedham,*

Abia Holbrook,

Minot Thayer,

John Robinson,

James Blackman,

Michael Shaller,

Thomas Bourne,

Richard Ellis,

John Morse,

Theron Metcalf,

562      HOUSE OF REPRESENTATIVES.

<i>Dorchester,</i>	Walter Baker, Abel Cushing, William Oliver,
<i>Foxborough,</i>	Joseph Kingsbury,
<i>Franklin,</i>	Seth Dean, Davis Thayer,
<i>Medfield and Dover,</i>	Daniel C. Sanders.
<i>Milton,</i>	
<i>Medway,</i>	Paul Daniels,
<i>Needham,</i>	Solomon Flagg, Jr. Thomas Kingsbury,
<i>Quincy,</i>	Edward Glover, John Souther, Thomas Taylor,
<i>Randolph,</i>	Henry B. Alden, David Blanchard, Joshua Spear, Jr.,
<i>Roxbury,</i>	Nathaniel Curtis, John Champney, Charles Davis, Isaac Davis, Jonathan Dorr, Samuel Guild, Jacob Tidd,
<i>Sharon,</i>	
<i>Stoughton,</i>	Jesse Pierce, Jabez Talbot,
<i>Walpole,</i>	Truman Clark,
<i>Weymouth,</i>	John B. Hollis, Lemuel Humphrey, Leonard Tirrell, Noah Torrey,
<i>Wrentham,</i>	David Shephard,

## COUNTY OF BRISTOL.

<i>Attleborough,</i>	Abijah M. Ide,
<i>Berkley,</i>	Adoniram Crane,
<i>Dartmouth,</i>	Joseph Gifford,
	George Kirby,
	Henry S. Packard,
	James T. Slocum,
<i>Dighton,</i>	Crocker Babbitt,
	Nehemiah Walker,
<i>Easton,</i>	Oliver Ames,
<i>Fairhaven,</i>	Ansell Allen,
	Cyrus E. Clark,
	Samuel Pierce,
<i>Freetown,</i>	Elnathan P. Hathaway,
	George Pickens,
<i>Mansfield,</i>	Schuyler Shepherd,
<i>New Bedford,</i>	John Burrage,
	Isaac Case,
	Edmund Gardner,
	Thomas A. Greene,
	Benjamin Lincoln,
	Thomas Mandell,
	Charles W. Morgan,
	Mark B. Palmer,
	Jona. R. Ward,
<i>Norton,</i>	John Crane,
	Cromwell Leonard,
<i>Pawtucket,</i>	Remember Kent,
<i>Raynham,</i>	Amos Hall,
<i>Rehoboth,</i>	Lloyd Bosworth,
	Samuel Bullock,

564 HOUSE OF REPRESENTATIVES.

<i>Seekonk,</i>	Church Gray,
<i>Somerset,</i>	Benjamin Cleveland,
<i>Swansey,</i>	John Earle,
	Benanuel Marvel,
<i>Taunton,</i>	Ichabod Lincoln,
	Allen Presbury,
	Hodges Reed,
	Francis Williams,
	Henry Williams,
	George Walker, Jun.,
<i>Troy,</i>	Nathaniel P. Borden,
	Anthony Mason,
	Micah H. Ruggles,
	Jervis Shove,
	William Winslow,
<i>Westport,</i>	Jonathan Davis,
	Abner B. Gifford,
	James H. Handy.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	James Bates,
	John Cushing,
	Micah Pool,
<i>Bridgewater,</i>	Samuel Leonard, Jun.,
	Holmes Sprague,
<i>Carver,</i>	Jesse Murdock, Jun.,
<i>Duxbury,</i>	Gershom B. Weston,
<i>E. Bridgewater,</i>	Ezra Kingman,
<i>Halifax,</i>	Zadock Thompson,
<i>Hanover,</i>	Horatio Cushing,
<i>Hanson,</i>	Joshua Smith,
<i>Hingham,</i>	Martin Fearing,
	Zadock Hersey,

<i>Hingham,</i>	Thomas Loring,
	James W. Sivret,
<i>Hull,</i>	
<i>Kingston,</i>	George Russell,
<i>Marshfield,</i>	John Ford, Jun.,
<i>Middleborough,</i>	Ephraim Leach,
	Luther Murdoch,
	John Perkins,
	Ethan Peirce,
	Samuel Thompson,
	Benjamin P. Wood,
<i>N. Bridgewater,</i>	Lucius Kingman,
	Jesse Perkins,
<i>Pembroke,</i>	Morrill Allen,
<i>Plymouth,</i>	Joseph Lucas,
<i>Plympton,</i>	Josiah T. Ellis,
<i>Rochester,</i>	Benjamin Barstow, 2d,
	Malachi Ellis,
<i>Scituate,</i>	Ebenezer T. Fogg,
<i>Wareham,</i>	Thomas Savery,
	Levi Washburn,
<i>W. Bridgewater,</i>	Ellis Ames.

## COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Henry Crocker,
	David Hinckley,
	Nathaniel Hinckley,
	Zenas Weeks,
<i>Brewster,</i>	Benjamin Berry,
<i>Chatham,</i>	Freeman Nickerson,
	Joshua Nickerson,
<i>Dennis,</i>	Thatcher Clark,

566      HOUSE OF REPRESENTATIVES.

<i>Dennis,</i>	Oren Howes,
<i>Eastham,</i>	Joshua Wixon, Jun.,
<i>Falmouth,</i>	David C. Atwood,
	Thomas Fish,
<i>Harwich,</i>	Ward M. Parker,
	Job Chase,
<i>Orleans,</i>	Zebina H. Small,
	Elisha Cole,
<i>Provincetown,</i>	Thatcher Snow,
	John Atkins,
<i>Sandwich,</i>	Enos Nickerson,
<i>Truro,</i>	Shadrach Freeman,
	Ebenezer L. Davis,
<i>Wellfleet,</i>	Shubael Snow,
	Ebenezer Freeman, 2d,
<i>Yarmouth,</i>	Joseph Higgins,
	David K. Akin,
	John H. Dunbar.

DUKES' COUNTY.

<i>Chilmark,</i>	Ephraim Mayhew,
<i>Edgartown,</i>	Chase Pease,
<i>Tisbury,</i>	John Holmes.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	Frederick Arthur,
	David Baxter,
	Jonathan C. Briggs,
	Jared Coffin,
	William R. Easton,



*Nantucket,*

Seth F. Swift,  
George Myrick,  
Seth Pinkham.

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LUTHER S. CUSHING, *Clerk.*

---

REV. EDWARD T. TAYLOR, *Chaplain.*

JACOB KUHN, *Messenger to the General Court.*

ELIJAH W. CUTTING, *Assistant Messenger.*

FRANCIS PITTS, *Page.*

1851

**RESOLVES**  
OF  
**THE GENERAL COURT**  
OF THE  
**COMMONWEALTH OF MASSACHUSETTS.**

PASSED AT THEIR SESSION,

WHICH COMMENCED ON WEDNESDAY, THE FIRST OF JANUARY, AND ENDED  
ON WEDNESDAY, THE SECOND OF APRIL, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-FOUR.

**GOVERNOR'S ADDRESS.**

REPRESENTATIVES' CHAMBER, JANUARY 21, 1834.

*At 12 o'clock, noon, agreeably to assignment, the Senate and House having assembled in Convention, for the purpose of administering the oaths of office to the Governor, Lieutenant Governor, and Counsellors, elected for the present political year, the Hon. John Davis, Governor elect, His Honor Samuel T. Armstrong, Lieutenant Governor elect, and the Hon. James Savage, Luke Fiske, Joseph Bowman, Howard Lothrop, Elijah Swift, William Ferson, David Mack, Jr., James Richardson, and Benjamin Sheldon, Counsellors elect, came in, preceded by the Sheriff of Suffolk, and attended by Governor Lincoln, and the State officers, where, in the presence of the Convention, they take and*

*subscribe the oaths required by the Constitution, and a law of the United States, to qualify them for their respective offices. The usual Proclamations are thereupon made by the Secretary; after which his Excellency Governor DAVIS delivers the following*

## **ADDRESS:**

*Fellow Citizens of the Senate, and  
of the House of Representatives :*

ASSEMBLED to discharge our respective duties towards the people of the Commonwealth, the first and highest obligation we owe, is a sincere offering of thankful hearts to that Divine Being whose mercy has spared our lives, and averted the pestilence which has filled other places with mourning; and through whose beneficence the blessings of peace and prosperity are continued unto us.

I approach with great diffidence the duties which the constitution and the laws devolve upon me, and I find no mitigation of this subdued feeling, when I consider my own limited experience in the matters confided to me, and compare the humble qualifications which I bring into the public service with the extensive practical knowledge, high character, and distinguished accomplishments, of many of those gifted statesmen, who have filled this station with honor to themselves and usefulness to the public. The testimonials of regard which adorn their names, and their patriotic devotion to the public service, will at all times excite in me an earnest zeal to promote the harmony, to maintain the elevated character, and to sustain, under all circumstances, the

best interests of the State ; but I dare promise no more than to emulate their zeal and integrity.

When I frankly declare, it would have been most acceptable to me, if some one more worthy, and possessing more of the public confidence had been designated to succeed the late distinguished Chief Magistrate, one on whom the public could rely with equal satisfaction, I feel assured there can be no just cause for esteeming me ungrateful for the indulgent sentiments which have elevated me to this place, for no one can appreciate more highly this proof of regard, or hold in greater respect the public approbation.

It is a wise provision of our excellent constitution, which restores annually to the people the authority which is confided to the Executive ; for frequent elections are the best specific against the abuse of power. They promote greatly the public tranquillity, by making the ballot-box the constant index of public opinion as to men and measures, which almost supersedes all occasion for resort to other measures to correct political misconduct. The speedy return of the period for new trial not only produces contentment in the public, but is always an admonition to public officers that the day of accountability is too near at hand to permit a violation of trust to be forgotten.

I hope I shall not be considered deficient in my duty, or wanting in respect to the two Houses, if, under the circumstances in which I am placed in this my first official connexion with the legislative body, I defer entering into the details of the affairs of the Commonwealth, until an opportunity has been afforded me to become more familiar with their condition, when the public exigencies and the provisions of law in this respect will be complied with, and the attention of the Legislature

will be invited to such objects as the good of the Commonwealth shall seem to me to require. I shall, however, avail myself of this, as a fit occasion to consider, very briefly, some matters of a more general character, and perhaps not less interesting to the public.

It gives me great pleasure to bear testimony to the prosperity which has pervaded the United States during the last year. Although the season has been unpropitious in some respects, yet it has almost universally been one of plenty, and we cannot be too thankful to that indulgent Providence which has hitherto blessed the exertions of a happy people with such signal success. We may safely challenge the world to shew an aggregate population of twelve millions of citizens so well provided for in the essential comforts of life, or among whom knowledge of their civil, religious, and political rights is so generally diffused, or where the aggregate happiness (the only design of all good government) is so great. A general policy which has produced such great and gratifying results, having secured to the public almost all the philanthropist in his most ardent aspirations has dared to hope, ought not to be inconsiderately changed or rashly abandoned.

We owe much, very much, to the salutary influence of the Constitution of the United States, which redeemed the country from the prostrating embarrassment of debt which followed the revolution, and laid deep and strong the foundations of that vigorous prosperity which scarcely any occurrence seems capable of restraining, and which has multiplied our resources beyond the hopes of the most enthusiastic patriot.

The union of the States, and, under the blessing of God, their continued harmony and friendship, notwithstanding the occasional evidences of distrust, discontent,

and threats of disunion, from the restive, the ambitious, and the misguided, has frustrated the predictions of the enemies of free, republican government, who have been anxiously waiting to see domestic dissensions and civil war, springing up under our federative system, conduct us to military despotisms. Thanks to a considerate people, whose hearts have been animated with elevated sentiments,—with an enlightened patriotism,—with a more just self respect, and a higher regard for civil liberty, they have proved these hopes to be false, and I trust will continue to manifest to the world this evidence of their devotion to the great cause of self government.

Under the auspices of the constitution, labor, which is the agent of all production—the parent of all property and prosperity—has, in most of its forms, been encouraged and protected by a just discrimination in the revenue system, on the ground that thereby our independence is rendered more secure from extraneous influences, and the happiness and prosperity of the people greatly promoted.

It is peculiar to our country, that all who have the ability to labor, and the disposition to be industrious, may find employ, and such ample remuneration, either in wages or some other form, that he who enters the world, as most of us do, with no capital but his hands, may, with the blessing of God, not only attain to all the comforts, moral and physical, which reasonable wealth will command, but may enlighten the minds of his children as they grow up around him, and fit them to discharge the high duties of free citizens.

The facility with which all this is attained under our liberal system of education, opens to all the paths to eminence, and hence we see the places of honor, trust, and confidence, filled with men whose intellectual power

and moral worth alone has elevated them. And we nowhere see that wretched poverty pervading whole communities, which inflicts misery upon a large portion of the population in many parts of Europe, and makes, as it is said, a majority of some of the parishes in England, tenants of the poor-house. It is the glory of our country, the most prominent feature of the policy of protecting and cherishing labor, that it opens a mine of resources in which every individual may secure to himself the means of cultivating talent, as well as providing for other demands. By this means, the poor are able to enter even-handed with the rich into the field of competition ; and a succession of distinguished men, from all honest occupations in life, have followed, and will continue to follow each other in public stations, imparting constantly the elastic vigor of youth to our growth, and giving an unparalleled expansion to our resources.

While we continue to respect labor, while we look upon it, as it is, the great element that imparts to our country a growth which errors in public policy can scarcely check, and to our institutions their overpowering strength, while we hold it to be meritorious and honorable, instead of servile, while we cling to the purity and simplicity of life which belongs to this condition, instead of degenerating into the follies, the vanity and false hopes which overgrown wealth often begets ; while we pursue a policy that will give to this labor the most ample scope and encouragement in all its various occupations, we shall have little occasion to entertain apprehension for our free institutions, if we also continue to provide liberally for the culture and improvement of the mind.

Ours is emphatically a government consisting of the public will, and that will as we find it expressed in the



constitution and laws, rules us. The sovereign is the people, and imposes obligations upon us by laws, and in no other form. Hence it is justly styled a government of laws. It should therefore be the first care of the people, that no man shall rise above the laws, or put himself in their stead; for he who does this, usurps power, and places himself over the people.

Where a people is independent, where they are their own masters, and the public officers their agents instead of their lords, the public will, to maintain that independence, should be guided by intelligent and enlightened sentiments, for the basis of free government is popular intelligence, while arbitrary government rests on popular ignorance as its most sure and stable foundation. The despot ordinarily as much fears intellectual improvement in the slave of his power, as does the master in the slave of his household.

The people of the colony of Massachusetts were in advance of the turbulent times in which they lived. They comprehended the necessity of enlightening the human mind, in order to give to moral power its full, free and salutary influence. They saw that the press was the engine to be employed against the adversaries of civil and religious liberty, and that a knowledge of letters must go with it.

To them we owe a debt of never ending gratitude for establishing free schools to be maintained at the public charge. The great wisdom evinced in thus boldly striking out a course of public policy which required the rich to aid in educating the poor, and which is rapidly tending to revolutionize the world, has not been wasted upon their posterity, for free schools have ever since been cherished and maintained as the nurseries of virtue and liberty. So deeply imbued with this attachment was the

public mind when the Constitution of the State was framed, that one of its sections, in language of singular beauty, enjoins on those who administer the government the duty of promoting the diffusion of knowledge as the basis of civil liberty.

In these institutions which are open with all their privileges to all persons, even to the pauper who lives upon public charity, superiority in intellectual advancement constitutes the only distinction. Here the love of intellectual pursuits springs up; here the morals are strengthened and often purified; and here is laid the foundation of the future eminence and usefulness of most of our citizens. What a blessing to all! What a source of talent to maintain and perpetuate our institutions! And what a source of individual happiness to those who are unable to incur the expense of a private education! Our attention to the interests of these institutions cannot be too vigilant, for they reward us in making wise and virtuous citizens, and such are the pillars of free government. Free schools are emphatically the seminaries of the people, and, like the natural sun in the firmament, shed their animating and vivifying influences upon all.

Most colonies have been planted by the injustice of their parent countries, and their sufferings have usually inspired them with milder feelings and more enlightened principles. The consequence has been that when such sentiments have taken root and acquired strength, their influence has reached back and often produced great changes in the policy and character of the mother country.

Such was the effect produced by the colonies of Greece, and such has been the auspicious influence of the example of Massachusetts in asserting the principle,

that the rich ought to contribute to the education of the poor. It was left to her to develop this great source of moral power, whose influence is seen, in opening the avenues to knowledge, in dispelling the intellectual night that would otherwise overshadow the poor, and in achieving for them, and all the great laboring class of citizens, new privileges and new sources of happiness. Its influence is not less conspicuous in sustaining every where the institutions which we most value. May it go on, and, in its march, triumph over all the armies that struggling despotisms may array against it.

In glancing thus at the fundamental principles of our government, I ought to notice our political organization and our mode of raising revenue under it, for with these the stability of our institutions is intimately connected.

The power to tax, which is the power to appropriate individual property to the public use, has always been viewed as a great source of political abuse and oppression, and, under all governments, is the cause of much jealousy, and, often of much just popular discontent. That power therefore can never be so safely and satisfactorily disposed of, as when it remains in the hands of the people, for they constitute the public, and can best determine what their own exigencies demand.

The organization of our territory into towns enables us wisely to leave this delicate power to a great extent vested in the people, who exercise it in such manner as they think best adapted to the public good. If money is raised by tax, for schools, or for the support of highways, the grant is made by the vote of those who pay it; the burden is voluntarily assumed, or at least in obedience to the will of a majority, where the voice of all tax payers is equal. The taxes are assessed and collected, and the money disbursed under their own direc-

tion, by officers of their own appointment, and accountable to them alone. From these causes, taxes, when imposed by the people, are borne with cheerfulness, under the conviction ordinarily, that individual as well as public economy is promoted by the expenditure of the money ; that good schools and good roads restore the value of the outlay to those who pay it. These remarks apply to the whole authority of towns to raise revenue. The power is in the hands of the people ; they judge for themselves of the expediency of assuming most of the burdens, and while all voters are tax payers there is little danger of oppression.

This is a source of contentment superseding the spirit of jealousy usually aroused where taxes are imposed by other authority, and tends strongly to compose and harmonize public feeling. We owe much of our tranquillity and good order to this cause, and to the circumstance that our elections are all held in town meetings, by officers chosen by the people, whose votes they are to receive. The business therefore of elections is conducted with great despatch and decorum, and generally to the satisfaction of the public, as all is done openly ; and we seldom if ever witness those scenes of riot and debauch to which a different system gives birth in other places.

Confiding these matters of great and abiding public interest directly to the people, produces a degree of contentment and satisfaction which could not by any other disposition of this power be made to pervade the public mind. For the efficient action of the people in the developement of their feelings and judgment in matters touching their rights, no system of political organization that has ever fallen within my observation is so happily devised as our municipal corporations. None

is so well adapted to meet their wants and secure them against oppression. None is so purely popular, rests on so firm a basis, or promises so well to resist the causes of decline in free institutions. We have therefore just reason to believe that our government, resting as it does upon these little democracies, which cluster around and support it, will continue to exist in all its purity long after a more cumbrous organization would crumble into ruin.

These considerations should be regarded with the greater interest because "power is always stealing from the many to the few"—and it is more difficult to maintain than to create a free government. Despotism approaches us in such varied and seductive forms; disguising its objects by insidious arts, and false professions for the public good, that it smothers our liberties in its unnatural embrace before we feel the grasp to be hostile. Its craft often leaves the forms of free government, but the soul perishes. It becomes us, therefore, at all times, not only to watch with vigilance those entrusted with power, but to interweave with our institutions every possible check against usurpation.

I cannot on this occasion omit to remark, that we are approaching a crisis in the currency of the country which must be regarded by us with interest, as it excites a strong sensation in the public mind. It seems now to be the settled policy of the Executive of the United States, that, after the charter of the present national bank expires, no institution of that description is to exist by his consent. The operations of that bank, and its influence upon the trade and business of the country are very extensive. Its existence has imposed a restraint upon the immoderate issues of paper by other banks, and tended strongly to keep that paper up to the metallic standard of value. There is never specie sufficient in the United States to

redeem the bills which are in circulation. Our currency is therefore founded on credit, and may not inaptly be called paper. Whatever measures therefore tend to excite distrust of the credit of the banks, or to diminish the circulation of their paper, causes a scarcity of money and brings distress upon the community. It is not, however, my purpose to investigate the policy which has been pursued towards the Bank of the United States, but to invite your attention to considerations more immediately connected with this government.

The Bank of the United States has for some years furnished to the country, principally to the south and west, a circulation of from fifteen to eighteen millions of dollars—which, after its discontinuance, must be supplied from other sources.

It will be vain to look for prosperity without a circulating medium which commands the public confidence. If the currency is fluctuating, business will participate in its character; and the fluctuations bring disaster upon the seller or the buyer—commerce must necessarily languish, property sink in value, and the general prosperity be greatly abated. It is, therefore, the dictate of sound policy to maintain a currency which shall remain firm, and inspire public confidence.

The people desire, and the interests of the country require two things: first, a healthy, safe currency, consisting of gold and silver, or paper redeemable at sight in those metals, and of equal value; second, capital at the lowest possible rate of interest; and any arrangement which shall produce these results will doubtless be satisfactory to the people.

The power to regulate the value of coin, as well as to make it, is confided to the United States, because it was deemed essential that its value should be uniform. The States, however, through the means of local banks, ex-

ercise a great and important influence upon the currency, and the period seems to be approaching when that influence is to be extended. Hence it becomes important that these institutions should be placed on the most solid foundation, and that their issues of paper should be so regulated as to sustain the great interests of the public, and save that public, as far as possible, from the embarrassment which occurs whenever a curtailment of bank paper in circulation takes place. This calamity has so frequently visited us within a few years past, under the name of a pressure for money, and with such disaster to debtors, that the subject demands investigation with a view to avert its future recurrence.

There is, doubtless, a difference of opinion as to the causes which produce the great vacillations in the money market. At one time the premium on capital falls below the legal rate of interest—at another, money can scarcely be had on any terms, or upon any security. There can, however, be little doubt that the small quantity of specie in circulation is one of the causes tending to produce these disastrous fluctuations. The specie in this state (and so in most of the states,) is almost exclusively in the banks, for no gold circulates, and only sufficient silver to make sums under one dollar. The last returns shew that all our banks, having a capital of \$28,236,250, paid in, had, on the first Saturday of October last, \$922,309 84 of specie, in their vaults, to redeem \$7,889,110 67 of bills in circulation, \$3,716,132 37 of deposits, not on interest, and \$7,949,940 53 on interest; making \$19,889,110 67, demandable of them at sight, with the exception, perhaps, of a portion or all the deposits which bear interest. The state of the banks in New York, so far as I have seen the returns of 1832, which, though imperfect, embrace nearly all of them, is still more un-

favorable. Such is the condition of two of the most commercial and banking states in the union, and I have adverted to it not because it furnishes any new cause of alarm, or varies materially from what it has been for a succession of years, but to show the paucity of specie, and how inadequate it is, not to redeem the bills afloat, but to refund the deposits alone. It is obvious that if a panic should seize the public, if distrust should overshadow our banks for but a day, all payments in specie would cease, for the funds on hand do not amount to one-twelfth of the bills in circulation, and those deposits which they are bound to pay on demand. But while these truths are so apparent, my belief is that no banks in the United States are in a more sound condition, or have more ample resources, than the banks of this state, and none, as far as my knowledge extends, are conducted more prudently and honorably.

But specie constitutes the basis of banking, as it is demandable for bills, and gives to them their currency. Each bank will ordinarily, to advance its interests, throw into circulation as many bills as its means of redemption will allow, with safety. The average in this state in 1832, was about eight dollars for one, and in 1833, about eight and a half for one, taking all the banks together. This disproportion between specie and paper cannot be materially increased. Consequently, if the quantity of specie is diminished, the paper circulation must be curtailed ; if, on the other hand, it is increased, the paper may also be increased. The paper, therefore, fluctuates as its basis changes. Suppose, then, that the amount of specie in the United States, in the banks, is \$20,000,000, and the bills in circulation to be \$80,000,000. Then suppose \$5,000,000 of this specie is drawn out of the vaults and exported to pay balances in foreign countries,



(an occurrence not unusual) one fourth of the basis of this vast circulation is thereby taken away, and to restore the exact ratio between the specie and the paper, \$20,000,000, or one fourth of this paper must be recalled or withdrawn from circulation. It may not be, and probably is not necessary to restore the exact ratio, but any considerable disproportion is at once felt, and the banks begin immediately to adjust their concerns by curtailing their discounts ; the effect of which is, to diminish the quantity of bills thrown into circulation, while the quantity flowing back upon the banks daily (to be retained there) is undiminished. In this way the circulation becomes too small for the demands of business, and the pressure for money which follows, will be longer, or shorter, and more or less severe, according as the banks may speedily or gradually restore the specie. The pressure occasioned by curtailing discounts, and the consequent denial of credit, often bears with such tremendous severity upon debtors, as to cripple down and reduce to bankruptcy, honest, active, enterprising citizens, who, if it were not for this forced denial of credit, would go on prosperously with their business, and they and their creditors continue to be a blessing to the public, instead of all being hurried into poverty and nakedness together.

These views tend to show that the disastrous fluctuations which we experience are to some extent to be imputed to the fluctuations in specie ; and that the smaller the amount of specie in the country, the more likely they are to occur, and the more injurious is the diminution of it by any means whatever. The most obvious remedy, therefore, against the recurrence of this calamity, and the most certain method of saving the active industry of the country from the devouring vortex of this almost periodical disaster, which comes of curtailing discounts,

is to increase, by some judicious regulations, the quantity of specie in circulation, to such an extent, that these occasional drains shall not curtail the circulating medium so as to produce such consequences. But how to accomplish this, or whether any power exists in this government, to adopt measures which will afford effectual relief, must be left to your wisdom to decide. If the circulation of small bills had never been permitted, but their place had been supplied with specie, the quantity now in circulation would be large, and would greatly strengthen the confidence of the public and the ability of the banks, as it would flow in to supply the place of that drained off, and thus supersede, to a great extent, the occasion for those forced curtailments of discounts which always prove injurious to the public. But, as the legislature has recognized the right to issue such paper, it is questionable whether the arrangement can now be disturbed, consistently with the observance of good faith, without the consent of the banks. The states which have adopted this course are best supplied with specie; and if the whole country could be prevailed on to suppress small bills, it is believed great relief would be realized from it. All action upon this delicate and important subject should be calm and considerate; and all change, if any is made, should be so gradual, as to affect no interests injuriously. Experience has long since proved, that a metallic currency is least liable to fluctuations, and, therefore, best adapted to the purpose for which it is designed; and, it is to be hoped, the earliest opportunity will be seized to return so far to it at least, as to rectify the present credit system of paper currency, and prevent its pernicious fluctuations.

We have additional proof daily of a disposition in all parts of the United States, to multiply banks beyond all

former precedent. The same excited state of the public mind followed the refusal to re-charter the former bank of the United States ; and, if now, as then, the applicants for charters succeed in their wish, it is not very improbable that the same result will follow, and the holders of bills will be left to mourn over the inability of the promisers to pay. This will tend further to weaken public confidence, by exciting distrust against all banks, and it becomes a wise people to be prepared for such an emergency, if unfortunately for the country it should occur.

These remarks upon this important topic have been submitted to your consideration, because of the great and abiding interest which the whole public have in a well regulated and sound currency. Fluctuations visit all who have property, and all who work to acquire it, with injury, and compel them to submit to severe sacrifices. What is called a scarcity of money only means that the banks do not discount, and the banks refuse to discount because prudence will not allow it. Under a pressure thus occasioned, we have seen good estates dwindle, until their possessors were left bankrupt ; we have seen laborers thrown out of employ, or their wages greatly reduced, and business either suspended, or in many instances dragging those engaged in it towards ruin. We have seen, also, great anxiety and dismay pervade the whole public. Believing that under our present system we may be again witnesses of these scenes of suffering, I cannot relinquish the hope that your wisdom will devise some way of giving greater stability to the local currency, without doing injustice to individuals, or violating the public faith.

In closing these remarks, I will express a desire that Congress may no longer delay the adoption of measures

to regulate the value of gold coin in a more judicious manner. By the laws, as they now exist, the legal value of our gold, which is one to fifteen of silver, has for several years past on an average been between four and five per cent. under the market value, and the consequence is, that it has been all driven out of circulation. The public interest seems to demand that this coin should constitute the basis of circulation, and that measures should be adopted either to reduce its weight, so as to equalize its value with that of silver, or in some other way to place it on a footing where it will be treated as coin, instead of being exported as merchandize.

It is a duty which I owe to humanity, to invite your attention to another subject. The laws which authorize a creditor to incarcerate his debtor, under judicial process for the non-payment of debt, operate with oppressive hardship upon the poor and the unfortunate. It is no crime to be poor, or to owe money for debts honestly contracted, and yet the imprisonment of one who has no ability to pay is often a heavy and grievous punishment inflicted, not on him alone, but also on a dependent and suffering family.

This authority in the creditor is derived from the modification of ancient colonial laws, once tolerated when public sentiment was less jealous of the power of restraining the person than at this day. These laws delivered over the delinquent debtor to be sold into service, as a bondman, to labor until the debt was cancelled.

This humiliating service, so degrading to persons born to the rights of citizens, and so analogous to slavery, fell into discredit, and laws authorizing an imprisonment for a term of time, were substituted.

By this change, the debtor is released from the liability to an odious bond-service; but he is a prisoner,

instead of a slave, and in some respects in a worse condition than before. As a bondman, he was put to laborious service; as a prisoner, he is often immured with felons. As a bondman, he discharged his debt; as a prisoner, his time is wasted, and his morals exposed to the influence of depravity.

The right to deprive a free citizen of his liberty by imprisonment, when he has been guilty of no offence, and of no wrong, may well be questioned; but however this may be, the power, it appears to me, is liable to abuses, which render it inexpedient to confide it to any one.

It is believed often to occur, that helpless families are cast upon public or private charity, because their natural protectors, on whose daily exertions they depend, are torn from them under this process by unfeeling creditors. When the poor man's time is most precious to him, when, by toiling under a burning sun, through a long day, he can earn a dollar, he is followed into the field by an execution, issued designedly at this moment, upon some small claim, and presented with the alternative to pay the debt, now swelled to nearly double its amount by costs and fees, or to waste away his time, the great resource of his family, in prison. To pay even a small debt surpasses his ability. To go to jail is the ruin of his hopes, for this is the period of his little harvest. Perhaps rather than submit to such a distressing alternative, he yields up to his importunate creditors the little property which the law protects for the benefit of his family, his cow or his bed, or compromises, by his employer's paying the cost and fees, and part of the debt, while he gives his note for the balance, and is fortunate if he escapes a visit from it in the form of a new execution, with another bill of costs, the next summer.

A bill of costs of a few dollars, or the loss of a month's time, may seem to those who have ample resources as matters of inconsiderable moment, as burdens which may be easily shaken from the shoulders; but, in the economy of a poor family, struggling to sustain itself, they are things of great consideration, a tax that cannot be borne without distress, and it is believed the number of persons is not small, who, under the complicated evils growing out of a repetition of this aggravating process, sit down, heart broken, and in despair look to the poor house for relief.

It seems to me incompatible with an enlightened view of civil liberty, with humanity itself, to authorize the imprisonment of a debtor who fails to pay, not because he fraudulently conceals his property, but because he has no means. It cannot be justified as a punishment nor as a measure of coercion, for coercion in such a case must be unavailing. Laws were long since interposed to rescue from seizure those articles of property indispensable to the subsistence of a family, and it is difficult to assign any reason why one needing this protection should be liable to be imprisoned for debt. But it is still more difficult to understand why a debtor's tools of his trade are exempted from seizure, unless upon the supposition that the tools can work without him. It seems to me therefore to be a power, which, in the hands of the vindictive or unfeeling creditor, may be, and probably is often greatly abused; and I submit to your wisdom whether the laws in this respect ought not to be so modified as to exempt this unfortunate class of our fellow citizens, who are made to feel, in other ways, enough of the miseries incident to human life, from liability to imprisonment. The act will be honorable to your humanity, and will be consecrated by the silent tears and grateful hearts of many.

Human wisdom has established tribunals to settle the controversies of individuals, but none have as yet been established with authority to adjust the disputes of nations. The injuries and insults inflicted by one nation upon another, must therefore either remain unrequited, or be avenged with blows. The experience of the world has proved that it is expedient to anticipate national conflicts by a preparation to meet them, and that it is unwise to neglect such forecast.

Standing armies are the guardian power of the governments of Europe, and are well adapted to that purpose, for those governments owe their origin to military power, being a modified, but milder form of the ancient feudal military aristocracy. Such forces being subdued to the will of their master by despotic discipline, fed from the public granary, clothed from the public storehouse, and paid from the public chest, are the appropriate power to sustain such governments, for they are interested to hold the people in subjection, that they may live upon their labor.

These considerations all admonish us, in the most urgent manner, to regard standing armies in time of peace, as dangerous and oppressive ;—dangerous, because ordinarily they neither enjoy nor respect liberty ;—oppressive, because the public are taxed for their support.

A militia, or armed population, is the legitimate protector of a free government, and of a free country. It is the people entrusted with the protection of their own institutions, and the defence of their own homes ; and while patriotism and a love of liberty are cherished, this power will never be appealed to in vain to vindicate the country against usurpers or invaders.

The fact that we have in the United States an organized body of fourteen hundred thousand armed citizens,

presents us in an attitude so strong, that no foe dares penetrate the interior unless supported by a powerful army. The enemy, during the last war, stole along our coast as a marauder, destroying unprotected property and then fleeing to his ships; but he shrunk from an encounter with the armed population of the interior, or of our towns and cities. Such was the practical respect paid to this force by a skilful and courageous enemy, who affected to hold it in contempt.

The militia have at all times during the darkest period of our history, when other troops could not be raised for the public service, been our reliance, and they have never failed to come to the rescue of that country which owes to their patriotism and valor the achievement of many of its brightest honors. While therefore a regard for the public welfare demands that the institution should be respected and perpetuated as the shield of our liberties, justice requires that it should not be rendered odious by an unequal distribution of the burdens incident to it. In adjusting the system so as to render it useful, the burdens should be made to fall with as much equality as possible, and should be as light as is consistent with an efficient organization. If the laws should be so modified as to attain these ends, I feel assured that the young men of this day are not less patriotic than their fathers, and will bear with equal cheerfulness whatever the good and safety of the republic requires.

I congratulate you and the people of the Commonwealth, upon the manifestation of public spirit which animates our fellow citizens, and is fast overcoming obstacles hitherto considered almost insurmountable barriers to a rapid communication between tide water and the interior.

The railways which are constructing in different direc-



tions from this metropolis, are doubtless destined to become the highways of a great and increasing internal commerce. By giving new facilities and greater despatch to the exchange of commodities, fresh sources of business will be developed—a more vigorous activity be given to industry—the trade and commerce both of the city and country will be enlarged, and Massachusetts, always distinguished for commercial enterprise, will not be found behind her sister states in furnishing those great facilities to business which alone can enable her citizens to maintain her character and uphold her prosperity. These lines of interior communication will also give great additional strength and security to the maritime frontier, for the physical force of the adjacent country for a great distance, may in times of peril from invasion be concentrated on the coast in a few hours, and this living breast work will present to an enemy a more imposing barrier than one of *stone and iron*.

Of the state of the finances I shall not attempt to speak, as I am not as yet acquainted with the details of the treasury, but I entertain no doubt that we all feel the obligation we are under to observe a system of just economy in the expenditure of the public money.

You will permit me in concluding these remarks, to observe, that while I shall endeavor faithfully to discharge the duties specially confided to me, I shall at all times co-operate most cordially with you in whatever tends to promote the happiness of the people, and to preserve our liberties.

I feel a deep solicitude that the character of this ancient Commonwealth should be preserved ;—that her prosperity should be maintained ;—that her patriotism should stand unpolluted by ambition or selfishness ;—that her love of popular government should remain un-

abated ;—that her moral power should send its influence abroad with renewed energy ;—and that she may live on, with the high distinction which is accorded to her, of being the cradle of liberty and the parent of free schools. And may that Divine Being, who conducted our fathers across the great expanse of water in safety to this shore, and who, from a small number, has established a great people, vouchsafe to us these blessings. And let us, acknowledging our own feebleness, entreat him, in his merciful providence, to harmonize our councils, to fill us with wisdom, and to guide us in the way that is right.

JOHN DAVIS.

Boston, Jan. 21, 1834.

## CHAP. I.

*Resolve concerning Warren Bridge.*

January 13, 1834.

*Resolved*, That the Governor and Council, be, and they are hereby authorized, to settle with the proprietors of Warren Bridge for the tolls heretofore received by the said proprietors, upon the principles of the act of eighteen hundred and thirty-three, chapter two hundred and nineteen, entitled an act concerning Warren Bridge.

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## CHAP. II.

*Resolve on the Petition of Jonathan H. Cobb.*

January 17, 1834.

*Resolved*, That the sum of one hundred and two dollars and eight cents be paid from the treasury of this Commonwealth to Jonathan H. Cobb, for his services as register of probate in the county of Norfolk, from the first day of October, in the year of our Lord one thousand eight hundred and thirty-three, to the twenty-third day of November, in the same year, under an appointment by the judge of probate of said county ; and that the governor be authorized and requested to draw his warrant accordingly.

## CHAP. III.

*Resolve on the Petition of the County Commissioners of the County of Worcester, and the Memorial of the Inhabitants of the Town of Worcester.*

January 17, 1834.

*Resolved*, That, for reasons set forth in this petition of the county commissioners of the county of Worcester, and of the inhabitants of the town of Worcester, the Commonwealth of Massachusetts do hereby give, grant, and convey unto the inhabitants of the county of Worcester, all right, title, and interest, which the said Commonwealth now has or may have in and unto a certain tract of land situated in the town of Worcester, the use of which was granted to said inhabitants by virtue of a resolve passed the fourteenth day of February, in the year of our Lord one thousand seven hundred and eighty-five, "for the purpose of creating and accommodating a public county gaol." And the commissioners of said county, for the time being, are hereby authorized by deed or deeds to give, grant, or sell the said land in fee for the benefit of said county, either by public auction or otherwise, as they may deem expedient, on the condition that the inhabitants of said county provide a suitable building to be used and occupied as a public gaol.

## CHAP. IV.

*Resolve on the Petition of Henry Gates.*

January 18, 1834.

*Resolved*, That there be paid, out of the treasury of this Commonwealth, to Henry Gates, of Hubbardston, in the county of Worcester, fifty dollars a year during his natural life, in consideration of his long and still continued sufferings from a wound received by him at the battle of Bunker Hill. The first payment to be made on the first day of February next; and his excellency the governor is requested to draw his warrant, from time to time, accordingly.

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## CHAP. V.

*To the Senate and  
House of Representatives.*

I take the earliest opportunity to transmit, for your consideration, the following papers, many of which relate to matters of public interest, and require legislative action.

1. Sundry letters and documents relating to the sales of public lands, and to complaints made by British authorities against the agents of this state and Maine.

2. The reports which relate to the affairs of the lunatic hospital at Worcester.

3. Those which concern the state prison.

4. A memorial, report, and various documents which relate to the Marshpee Indians.

5. Resolutions of Mississippi, Connecticut, Pennsylvania, Maryland, New York, and South Carolina, upon topics of public interest.

6. A letter from Charles Jackson, Esq., respecting the progress made by commissioners appointed to revise the public statutes.

7. The report and other documents which relate to the survey of the state; and the tolls received by the Warren Bridge Corporation.

With these papers I beg leave also to place before you a letter, addressed by the late governor to me, in which he has given a distinct and lucid narrative of the public affairs connected with them, which will better aid your investigations than any exposition I can make, as the matters to which they relate have been in his immediate care, and he has bestowed upon them his usual zeal and attention. It will be found that the affairs of the state prison at Charlestown are in a highly prosperous condition;—that the lunatic hospital has greatly meliorated the condition of a large number of our unfortunate fellow-citizens, who have been afflicted with mental alienation;—that the public lands are to be hereafter a source of large revenue to the state;—that, by a temperate and judicious course, the excitement among the Indians was composed,—and that the affairs of the Commonwealth generally are in a prosperous condition.

I learn also, by this communication, that major general Capen, of the first, and major general Heard, of the sixth division of the militia, have been honorably

discharged. It will therefore become necessary to fill those offices according to the provisions of the constitution.

JOHN DAVIS.

*Council Chamber, January 24, 1834.*

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## CHAP. VI.

*Resolve on the Petition of Mary Schindler McConnell.*

January 29, 1834.

*Resolved,* That the land agent be, and he hereby is authorized and empowered, to give to the heir or heirs of John Schindler, a deed of lands, agreeably to the resolve of March 4th, 1828, granting bounty lands to the soldiers who served in the revolutionary war, and their heirs as therein described.

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## CHAP. VII.

*To the Senate, and the  
House of Representatives.*

I herewith transmit certain legislative proceedings of the state of North Carolina, expressing the sentiments of the government of that state in relation to the militia, and calling upon congress "to adopt the necessary

## 598 PETITION OF MARIA F. GREENOUGH.

measures to render the system of militia discipline of the United States less burthensome in its character, and more efficient in its organization." It seems to be the opinion of the legislature of that state, that the term of service is too long ; that the liability to do duty should be limited to the " young and the robust," and that proper measures to organize and train this class effectually would secure to the country a more efficient force than it now has.

JOHN DAVIS.

*Council Chamber, January 31, 1834.*

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### CHAP. VIII.

*Resolve on the Petition of Maria F. Greenough, Guardian.*

February 3, 1834.

*Resolved*, That Maria F. Greenough be, and she is hereby fully authorized to make, execute, acknowledge, and deliver a good and sufficient deed, granting and conveying unto the Boston and Providence Rail Road Company, at and for the consideration or price of not less than one hundred and twenty-five dollars per acre, the two following described parcels of land, situated in Roxbury, in the county of Norfolk, viz : one parcel is bounded, commencing at the north-west corner of the land to be conveyed, where the rail road meets the passageway between this land and land of J. Seavern's heirs, and running thence easterly by the passageway aforesaid to



stoney brook, thence south and southeasterly along said brook, to land of John Parker's heirs, thence westerly by land of said Parker's heirs to the northwesterly side of the rail road as now located, thence northeasterly along the northwest side of the rail road to the place where the description commences ; containing one hundred and fifty-three thousand nine hundred and seventy-one square feet—also, a certain other parcel of land, taken and appropriated for the rail road, commencing on the northwest side of the rail road, where it meets the land of John Parker's heirs, and running thence southerly by the land of these heirs across the rail road to the southeast side thereof, thence south-westerly along the southeast side of said rail road to land of Eben. Weld, and across the rail road, thence northeasterly on the northwesterly side of the rail road to place of beginning, amounting to thirty-six thousand four hundred and sixty-five square feet. And that the deed of said Maria, executed and delivered under this resolve, for, and in behalf of David S. Greenough, John Greenough, Anne Greenough, James Greenough, and Jane D. Greenough, her wards, shall convey and grant to said Boston and Providence Rail Road Company, all the right, title, interest and estate of said minors, respectively, of, in, and to said parcels of land, as effectually as if said wards were of full age, and had personally, in due form of law, made a proper conveyance thereof to said company. *Provided, however,* that before making said conveyance, the said Maria shall give bond, with sufficient surety or sureties, to the judge of probate in said county of Norfolk, in sufficient penalty to account to said minors for their respective shares of the price to be received for the conveyance of said two parcels of land to said company, with the accumulating interest thereon.

## CHAP. IX.

*Resolve on the Petition of Daniel Fellows, Guardian of the Chapequiddic Indians.*

February 4, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Daniel Fellows, guardian of the Chapequiddic Indians, the sum of two dollars per week, for the support of Polly Madison, one of said Indians, for the term of one year, from and after the fifteenth day of January, in the year of our Lord one thousand eight hundred and thirty-four, if she shall so long live, and that his excellency the governor be, and he is hereby authorized to draw his warrant accordingly.

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## CHAP. X.

*Resolve on the Petition of Samuel F. Arnold.*

February 4, 1834.

*Resolved*, That, for the reasons set forth in the petition of Samuel F. Arnold, there be allowed and paid to him out of the treasury of this Commonwealth, the sum of fifty dollars, in full compensation for the injuries sustained by him in consequence of a wound received by him while in performance of military duty ; and that his excellency the governor be, and he is hereby authorized to draw his warrant accordingly.

## CHAP. XI.

*Resolve on the Petition of Ruth Hull.*

February 4, 1834.

*Resolved*, For the reasons set forth in said petition, that the said Ruth Hull is entitled to all the benefits secured to the widows of officers and soldiers of the revolutionary war, in and by a resolve approved on the twenty-seventh day of March in the year of our Lord one thousand eight hundred and thirty-three ; and that two hundred acres of the land therein mentioned be conveyed to her by the land agent, or the sum of fifty dollars be paid to her by the treasurer of this Commonwealth, at her election, and in the manner expressed in said resolve.

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## CHAP. XII.

*Resolve on the Petition of Ezekiel Tripp.*

February 6, 1834.

*Resolved*, That Elizabeth Tripp, daughter of Ezekiel Tripp, of New Bedford, in the county of Bristol, be placed upon the list of pupils supported by this Commonwealth at the American Asylum for the education of the Deaf and Dumb, at Hartford, agreeably to the provisions of the resolves heretofore passed in relation to state beneficiaries at said asylum.

## CHAP. XIII.

*To the Senate, and  
House of Representatives.*

I transmit without delay the annual returns of the adjutant general, who is also the acting quarter master general, accompanied by a report designed for your consideration by that officer, which has not reached me until now. Having recently expressed a wish that the laws might be so modified as to equalize the burdens incident to militia duty, so that they may neither bear heavily or unjustly upon the soldier or the citizen, I will now barely renew that wish, being persuaded that your wisdom will discover the right method of securing the interests of the state, and giving contentment to the public.

JOHN DAVIS.

*Council Chamber, February 7, 1834.*

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## CHAP. XIV.

*Resolve for the payment of the Accounts for certain repairs  
and alterations at the State House.*

February 7, 1834.

*Resolved,* That the treasurer of the Commonwealth be authorized and directed to pay to the persons whose

names are borne on the roll hereunto annexed, the sums set against their names respectively, for services performed and materials furnished in making certain repairs and alterations at the state house during the year one thousand eight hundred and thirty-three, amounting in all to the sum of three thousand eighteen dollars and twenty-five cents, and that a warrant be drawn accordingly.

## A ROLL

Containing the names of the persons, and the several sums due to them respectively, for services rendered, and materials furnished for repairs and alterations at the state house in the year 1833.

To Hon. Benjamin Russell,	\$283	} For their services as committee superin- tending the work.	
“ Charles Leighton, Esq.,	150		
“ Lot Pool, Esq.,	150		
	---		\$583 00
“ Thomas Randall, for work and materials,			1,292 48
“ Foster and Lawrence’s bill for chairs, &c.			265 00
“ John H. Wheeler, for work and materials,			780 02
“ S. & W. Hunneman, for brass work,			64 50
“ A. Benjamin, Esq., for plans,			20 00
“ John B. Jones, for inkstand,			8 00
“ Edward Watson, for inkstands,			5 25
			<hr/>
Amounting in all,			\$3,018 25

## CHAP. XV.

*Resolve for the due enrolment and promulgation of the  
Eleventh Article of Amendment to the Constitution of  
this Commonwealth.*

February 12, 1834.

*Whereas* the specific article of amendment, hereafter recited, was proposed in the general court of this Commonwealth, elected for the year of our Lord one thousand eight hundred and thirty-two, as an amendment to the constitution of the said Commonwealth, and was agreed to by a majority of the senators, and two-thirds of the house of representatives, present and voting thereon, and was thereupon entered upon the journals of the two houses, with the yeas and nays taken thereon; and was afterwards referred to the general court elected and returned for the year one thousand eight hundred and thirty-three, and published as by the constitution is required; and whereas, the said specific article of amendment was also agreed to by a majority of the senators, and two-thirds of the house of representatives of the last mentioned general court, present and voting thereon; and the said article of amendment was afterwards duly submitted to the people of the Commonwealth, in order, that, if the same should be approved and ratified by a majority of the qualified voters, at meetings legally warned and held for that purpose, the same might become a part of the constitution of this Commonwealth; and whereas it appears, by the returns of votes duly made

and transmitted to the secretary's office, from the city of Boston, and the several towns and districts of this Commonwealth, that, at meetings legally warned and held for that purpose, in the said city, towns and districts, on the eleventh day of November last, the said specific article of amendment has been duly approved and ratified by a majority of the qualified voters of the said Commonwealth voting thereon, as required by the constitution ; and the said article of amendment has accordingly become a part of the constitution of this Commonwealth, to wit :

#### “ ARTICLE OF AMENDMENT.

Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted :

As the public worship of God, and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government ; therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society. And all religious sects and

denominations demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another, shall ever be established by law.”

*Resolved*, That the above recited article of amendment shall be enrolled on parchment, and deposited in the secretary’s office, as a part of the constitution and fundamental law of this Commonwealth ; and shall be published, in immediate connexion therewith, as the eleventh article of amendment thereto, in all future editions of the laws of this Commonwealth, printed by public authority. And in order that the said article of amendment may be duly promulgated, without delay, among the people of this Commonwealth :—

*Be it further resolved*, That his excellency the governor be, and he hereby is authorized and requested to issue his proclamation, reciting the said article of amendment, and announcing that the same has been duly adopted and ratified by the people of this Commonwealth, and has become a part of the constitution thereof ; and requiring all magistrates and officers, and all the citizens of the said Commonwealth, to take notice thereof, and govern themselves accordingly.



## CHAP. XVI.

*Resolve on the Petition of John Reed.*

February 14, 1834.

*Resolved*, That, for the reasons set forth in the petition of John Reed, there be allowed and paid to him the sum of forty dollars, in full compensation for his services in the detection and prosecution of a person guilty of having and passing counterfeit bank bills ; and that his excellency the governor be, and he is hereby authorized to draw his warrant accordingly.

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## CHAP. XVII.

*Resolve on the Petition of Barzillai F. Ellis.*

February 14, 1834.

*Resolved*, That, for the reasons set forth in the petition of Barzillai F. Ellis, there be allowed and paid to him the sum of eighty-eight dollars, in full compensation for the expenses and injuries sustained by him in consequence of a wound received by him while in performance of military duty ; and that his excellency the governor be, and he is hereby authorized to draw his warrant accordingly.

## CHAP. XVIII.

*Resolve for publishing a second edition of the Geological Survey of this Commonwealth.*

February 17, 1834.

*Resolved*, That his excellency the governor, with the advice of the council, be authorized to cause to be printed, under the superintendence of the geological surveyor, a new edition of five hundred copies of Professor Hitchcock's report on the geology of this Commonwealth, and the atlas accompanying it, with such alterations and additions as may be proposed by the professor, and approved by the executive ; and that a warrant be drawn on the treasurer for such sum as may be necessary to defray the expense thereof : *provided*, that the whole expenditure shall not exceed the sum of two dollars and sixty cents for each copy.

*Resolved*, That the said five hundred copies, when published, shall be delivered to the secretary of the Commonwealth, and be distributed in the following manner, viz :

Twelve copies to the governor.

Ten copies to the surveyor.

One copy to each of the chaplains of the senate and house of representatives.

One copy to each incorporated lyceum and atheneum in this Commonwealth.

Two copies each to the Berkshire Medical Institution, and the Massachusetts Medical College.

One copy to each member of the council, senate, and house of representatives, who was not a member of either of those branches of the government for the last year.

One copy to each of the permanent clerks in the offices of the secretary of state, treasurer, and adjutant general.

Two copies to the Pilgrim Society at Plymouth; and the remaining copies to be disposed of in such manner as the legislature may direct.

## CHAP. XIX.

### *Resolve on the Petition of Bela P. Clapp, Guardian of Theodosia Parsons.*

February 18, 1834.

*Resolved*, For the reasons set forth in said petition, that Bela P. Clapp, of Westhampton, in the county of Hampshire, guardian of Theodosia Parsons, of Westhampton aforesaid, a person non compos mentis, is hereby authorized, at any time within three months after the passing of this resolve, to make and file in the probate office in said county of Hampshire, his affidavit, setting forth the time, place, and manner in which he gave notice of the sale of certain real estate of the said Theodosia Parsons, situated in Northampton, in said county, and which he, the said Clapp, was licensed to sell, by a decree of the probate court held within and for the county of Hampshire, on the seventh day of February, in the year of our Lord one thousand eight hundred and thirty-two: and such reasonable notice being given to all persons interested

in such real estate, as the judge of probate for said county of Hampshire shall order, to appear and shew cause, if any they have, why such affidavit should not be filed as aforesaid, and no such persons interested as aforesaid appearing, and shewing good cause to the contrary, such affidavit, being so filed, shall be evidence of the time, place, and manner in which such notice of sale was given, and be as effectual for all purposes, as if the same had been made and filed in said probate office within the time prescribed by law.

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## CHAP. XX.

*Resolve authorizing the Treasurer to borrow Money.*

February 22, 1834.

*Resolved*, That the treasurer of this Commonwealth be, and he is hereby authorized and directed to borrow of any of the banks in this Commonwealth, or any corporation therein, or of any individual or individuals, such sum or sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the meeting of the next general court, and that he pay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received in the treasury. *Provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of two hundred thousand dollars.

## CHAP. XXI.

*Resolve granting Taxes for the several Counties.*

February 22, 1834.

*Whereas*, the treasurers of the following counties have laid their accounts before the legislature, which accounts have been examined and allowed, and the clerks of the county commissioners have exhibited estimates made by said commissioners of the necessary charges which may arise within their respective counties for the year ensuing, and of the sums necessary to discharge the debts of said counties,

*Resolved*, That the sums annexed to the several counties in the following schedule, be, and the same are hereby granted as a tax for each county respectively, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid, according to law, viz :

The county of Norfolk, thirteen thousand dollars,	13,000
The county of Hampshire, six thousand dollars,	6,000
The county of Plymouth, ten thousand dollars,	10,000
The county of Worcester, sixteen thousand dollars,	16,000
The county of Franklin, eight thousand dollars,	8,000
The county of Berkshire, twelve thousand dollars,	12,000
The county of Barnstable, five thousand dollars,	5,000
The county of Dukes County, six hundred dollars,	600

The county of Hampden, six thousand dollars,	6,000
The county of Essex, ten thousand dollars,	10,000
The county of Middlesex, seventeen thousand dollars,	17,000
The county of Bristol, sixteen thousand dollars,	16,000

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## CHAP. XXII.

*Resolve on the Petition of Richard S. Fay.*

February 25, 1834.

*Resolved*, For the reasons set forth in the petition of Richard S. Fay, administrator de bonis non, of the goods and estate which were of Joseph Hastings, late of Cambridge, in the county of Middlesex, deceased, that said Fay, in his capacity of administrator as aforesaid, be authorized to make and deliver to John Hastings, of Watervliet, in the state of New York, a proper deed, whereby to convey to the said John, the same real estate of said deceased, situated in Hardwick, in the county of Worcester, which the said John heretofore purchased, as highest bidder therefor, at a public vendue, held by said administrator, pursuant to a licence granted at a court of probate, holden at Cambridge, in the county of Middlesex, on the eighth day of November, in the year of our Lord one thousand eight hundred and thirty-two; and such deed shall have the like validity and effect as though the same had been duly made and delivered within one year from the time of granting said license.

## CHAP. XXIII.

*To the Senate and  
House of Representatives.*

I transmit, for the information of the legislature, a letter addressed to me by the president of Harvard University, in behalf of himself and the fellows of the college, expressing their gratitude to the Commonwealth for a valuable collection of minerals made, by order of the legislature, by professor Hitchcock, during his geological survey, and presented to that seminary.

JOHN DAVIS.

*Council Chamber, February 26, 1834.*

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## CHAP. XXIV.

*To the Senate and the  
House of Representatives.*

On the 28th day of March, 1833, a law was approved, whereby the right to take toll for passing Warren Bridge was extended for the term of one year from that time, to be collected and disposed of, as is provided for in that act. This course was, doubtless, pursued, because of the pendency in the supreme court of the United States, of a suit in behalf of the proprietors of Charles River Bridge against the Warren Bridge Cor-

poration. It was then believed that the suit would come to a final decision before the said right to take toll should expire, but I am informed by the Warren Bridge Corporation, that it is again continued, and will stand so until the term of the court in 1835. In order to do justice to all parties, this will probably render further legislation necessary. I transmit herewith a communication of the Warren Bridge Corporation, making known the fact that said suit is continued.

JOHN DAVIS.

*Council Chamber, February 28, 1834.*

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## CHAP. XXV.

### RESOLVES

*In relation to the Currency, and to the Removal of the Deposites of Public Money from the Bank of the United States.*

March 1, 1834.

WHEREAS, in the midst of a season of general prosperity, the community has been suddenly visited by a distressing and alarming financial crisis, which has created great embarrassment in all branches of business, occasioned many bankruptcies, and, if much longer continued, threatens to involve in ruin a considerable portion of the active part of the citizens, of all employments and of all political parties ; and

WHEREAS it is expedient that, under these circumstances, the citizens should unite, without distinction of



party, in the adoption of such conciliatory, temperate, and at the same time vigorous and efficient measures as are best fitted to afford the necessary relief, and particularly that the general court of this Commonwealth should express their opinion upon the subject, to the end that the senators and representatives of the Commonwealth in congress may be the better enabled to carry into effect the intentions of their constituents : therefore

1. *Resolved*, That a sound and healthy state of the currency is one of the most important elements in the economical prosperity of the country, and that, although a purely metallic currency may perhaps in theory be preferable to any other, the present methods of transacting business render it absolutely necessary that the circulating medium should consist in part of paper.

2. *Resolved*, That, though the coinage of the precious metals is, and should be every where, one of the functions of the government, the experience of all countries has proved that, for the supply of the portion of the circulating medium which consists of paper, the agency of private corporations or banks, compellable at all times by law to redeem their notes with specie, is preferable to that of the government, which not being subject to the same compulsion, is constantly liable to carry the emission of paper money to a dangerous excess.

3. *Resolved*, That it is essential to a sound state of the currency, that the private corporations or banks, which perform the important service of supplying the portion of the circulating medium which consists of paper, should be perfectly solid, and that the necessary security is much better obtained through a national institution, possessing a large capital, and subject to the

constant supervision of the general government, than it possibly can be through the smaller banking corporations chartered under the authority of the states.

4. *Resolved*, That, in addition to its greater solidity and security, a national institution, having branches in all parts of the country, possesses, as an agent for the supply of a paper currency, the great advantage that it furnishes a safe and ready means for remittances from one part of the union to another, while the circulation of the state banks, however solid, is necessarily limited to their respective immediate neighborhoods : and is also of signal use in equalizing the exchanges, and thereby facilitating all the mercantile operations of the community.

5. *Resolved*, That some concerted arrangement, pervading all parts of the country, is absolutely necessary to the government, for the purpose of receiving, paying over and transferring from one place to another the public money ;—that the state banks, in consequence of the comparative smallness of their capital, their exemption from any control or supervision by the general government, and their want of connexion with each other, are incapable of performing this service with advantage, and that any system of concerted action that might be established among state banks, employed to collect and pay over the public revenue, could only constitute a very unsafe and imperfect approximation to a well constituted national institution.

6. *Resolved*, That the advantages which might have been expected to result from the establishment of a national institution of this description, were fully realized in the practice of this country during the existence of the first national bank—the currency of the country having been during that time in a uniformly healthy state,

and the service of the treasury performed with exactness and fidelity ;—that soon after the expiration of the charter of that institution, the currency and the whole financial arrangements of the government fell into a state of confusion, which was greatly increased by the want of a national bank, and of which the termination was materially assisted by the establishment of the present one ; that as soon as the present bank had gone into full operation, the currency and the financial arrangements of the government assumed again a regular and healthy state, which they have uniformly maintained up to the present time.

7. *Resolved*, That the objections to the constitutionality of a national bank, which were originally entertained by many of the wisest statesmen and purest patriots, were abandoned by themselves on the establishment of the present one ; that the regulation of the currency being committed by the constitution to the general government, it is entirely conformable to the spirit of that instrument, that the institution which is principally relied upon to furnish the paper portion of the currency, should be a national one, under the regulation and supervision of congress, and that the adjudications of the courts of justice, and the acquiescence of all branches of the general government, of all the states, and of the community at large, in this construction, sufficiently prove that it is considered by the people as entirely correct and sound.

8. *Resolved*, That other objections which have been made to the establishment of a national bank, on the ground that it introduces foreign capital into the country, and that it has a tendency to build up a monied aristocracy, are unfounded and illusory ; that the introduction of foreign capital is always an advantage, and that the influence of a national bank on the currency

and on the business transactions of the community, is particularly favorable to the middling and poorer classes of the people, which are more interested than any others in the maintenance of a healthy state of the currency, and more injuriously affected by the fluctuations and embarrassments that are incident to an unsound one.

9. *Resolved*, That, for the reasons set forth in the preceding resolves, we consider a well constituted national bank as one of the most valuable and important institutions of the country ;—that we have seen with deep regret the disposition manifested by the present chief magistrate of the United States, to use his influence in opposition to the existence of any such bank ;—and we cannot relinquish the hope that he will yet concur with the legislature of the union, in continuing to the people the great advantages that result from the existence of a national bank.

10. *Resolved*, That the act of the President overruling the decision of the late secretary of the treasury on the question of the removal of the deposits, adds another to the many previous proofs of a disposition in the executive councils to concentrate all possible power in the hands of a single individual, and thus to mould our government more nearly to the monarchical form, in disregard of those salutary restrictions on executive power which were intended to make its acts the emanation of joint and compromising councils, rather than the will of one man, or of one department of the government.

11. *Resolved*, That the reasons submitted to Congress by the secretary of the treasury, for the late removal of the public treasure from the custody of the bank, are not sufficient to justify the measure.

12. *Resolved*, That the removal of the deposits of public money from the custody of the bank of the United

States, by compelling the bank to curtail its discounts and call in the balances due to it from the local banks, by deranging the currency of the country and producing a general distrust, has been the principal, if not the only immediate cause of the present distressing scarcity of money, and that nothing would tend more directly to afford relief to the community, than the restoration of the deposits of public money to the custody of the bank, and the adoption of such other measures as would inspire a general confidence that the people are not to be deprived of the great advantages resulting from the existence of a national bank, after the expiration of the charter of the present one.

13. *Resolved*, That the senators of this Commonwealth in congress be instructed, and the representatives requested to use their influence for the purpose of procuring the restoration of the deposits of public money to the bank of the United States, and of continuing to the people the advantages resulting from a national bank, by a renewal of the charter of the present one, or in some other way.

14. *Resolved*, That his excellency the governor be requested to transmit copies of these resolves to the senators and representatives of the Commonwealth in Congress, and to the governors of all the States.

## CHAP. XXVI.

*Resolve on the Petition of Lois Haskell.*

March 3, 1834.

*Resolved*, For the reasons set forth in said petition, that the land agent is hereby empowered to execute a deed of two hundred acres of land to Lois Haskell, or pay to her fifty dollars in stead thereof, if she shall so elect, agreeably to the resolve of March twenty-seventh, one thousand eight hundred and thirty-three, granting bounty lands to soldiers of the revolutionary war, and to their widows.

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## CHAP. XXVII.

*Resolve on the Petition of Ferdinand Andrews.*

March 3, 1834.

*Resolved*, That there be paid out of the treasury of the Commonwealth to Ferdinand Andrews, of Lancaster, the sum of ninety-four dollars, being the amount omitted on the pay roll, of his attendance and travel, as a member of the last general court, and that a warrant be drawn therefor.

## CHAP. XXVIII.

*Resolve on the Petition of Mace Smith.*

March 4, 1834.

*Resolved*, That, for reasons set forth in the petition of Mace Smith, the sum of thirty dollars be paid to him, from the public treasury, being part of the amount paid to the Commonwealth on a forfeited recognizance of one William Sanborn; the same to be in full compensation for the claims and expenses mentioned in said petition; and that a warrant be drawn therefor.

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## CHAP. XXIX.

*Resolve on the Petition of Edmund Rowland, Jun.*

March 4, 1834.

*Resolved*, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth, to Edmund Rowland, Jun., the sum of three hundred and seventeen dollars and twenty-five cents, in full compensation for the losses and expenses sustained by him in a suit of Jairus Kibbe against him; and that a warrant be drawn therefor.

## CHAP. XXX.

*Resolves for paying the Commissioners for superintending the erection of the State Lunatic Hospital, for their services, and a balance due them.*

March 4, 1834.

*Resolved*, That there be paid to the commissioners for superintending the erection of the State Lunatic Hospital, out of any monies in the treasury not otherwise appropriated, the sum of four hundred and thirty-seven dollars and ninety cents, with the interest thereon from the time it was paid by them, being in full for the balance found due to them on settlement of their accounts for the erection of said hospital, over the amount of former appropriations for that object.

*Resolved*, That there be also paid to Horace Mann, the sum of nine hundred and seventy dollars, and eighty-six cents; to Bezaleel Taft, Jr. the sum of twelve hundred and thirty-five dollars and seventy-eight cents, and to William B. Calhoun, the sum of five hundred and eighty dollars and four cents, in full for their services respectively, including all personal expenses, as Commissioners as aforesaid, and that warrants be drawn accordingly.



## CHAP. XXXI.

*Resolve for securing the Copy-right of Professor Hitchcock's Geological Survey.*

March 5, 1834.

*Resolved*, That the secretary of the Commonwealth be authorized and directed, for the benefit of the Commonwealth, to secure the copy-right of any future edition of the report on the Geological Survey of Massachusetts, made by Professor Hitchcock. But his excellency the governor, with the consent of council, may, at any time, when he shall think proper, give permission to any citizen of this Commonwealth to publish an edition of said report, or any part thereof.

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## CHAP. XXXII.

*To the Senate and  
House of Representatives.*

The commissioners appointed to revise, collate, and arrange all the statutes in force, under the provisions of the resolve of the 24th of February, 1832, have been engaged in that service, and I now transmit their report upon the progress made in the business confided to them. It appears they will be in readiness to make their final report before another legislature will assemble, and they are of opinion, that measures should now be taken to prepare

the public mind to act upon the subject. To this end they think it expedient that a committee should be raised to consider their doings as soon as they are completed, and make their report thereon early in the next session. They also propose that their report should be distributed among the members of the legislature, and sent to all town officers, that the public judgment upon its merits may be early matured, and such errors as shall be detected be set right. The revision of the laws is unquestionably a measure of very great importance, and, unless done with great wisdom, had better remain unattempted. It is important that the public should be fully and seasonably acquainted with what shall be done in a matter so deeply interesting; and I cannot conclude this communication without expressing the hope, that, either in the way the commissioners propose, or in some other, the information may be brought under the consideration of the people.

JOHN DAVIS.

*Council Chamber, March 6, 1834.*

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### CHAP. XXXIII.

*To the Senate, and the  
House of Representatives.*

The constitution of the United States provides that fugitives from justice, who have committed crime in one state and fled into another, shall, upon demand made by the executive of the state in which the crime has been committed, be delivered up.

The Congress of the United States, by an act ap-

proved the 12th day of February, 1793, prescribed the kind of evidence of crime which should authorize a demand by one executive authority upon another.

By an act of this Commonwealth, passed the 18th day of June, A. D. 1801, and a subsequent act, the governor is authorized to appoint agents to demand fugitives from this state, and also to empower the agents of other states to take hence such fugitives as may be found here.

The demands for fugitives have become frequent, and from the defective character of this early legislation, are attended with serious embarrassment.

In the first place, when the executive is requested to send for a fugitive, it ought to appear probable that the person is guilty of the offence alleged against him, and that there is a reasonable expectation of convicting him. Moreover, it should appear that the ends of public justice will be subserved by the demand, before it is made.

In the second place, when a demand is made upon the executive for one alleged to have fled from justice, he may be in the custody of the Commonwealth upon a charge of crime, or may be under sentence. The crime which is charged upon him in our jurisdiction may be more or less aggravated than that which he is alleged to have committed elsewhere. It may, therefore, be expedient to deliver him up at once, or to detain him until a trial is had, or until sentence is executed. If, for example, one is in custody here upon a charge of petty larceny, being at the same time indicted for murder in a neighboring state, it would probably be thought inexpedient to delay his answering to the more aggravated offence ;—and so, if demanded for a minor offence, while charged with a more heinous one here,

public justice would not require that he should be delivered up until he had first been subjected to the penalty of the laws here.

Under these circumstances, I feel it to be my duty to bring the subject before you, believing that the interests of the Commonwealth require further legislation to protect the public.

That there may be no unreasonable expenditure of the public money, in sending unnecessarily to other states for fugitives, I will suggest the expediency of requiring the attorney general to examine all such applications, and to report to the executive his opinion upon the expediency of issuing a requisition. And that no person may be removed from the state while justice requires that he should be detained here, to answer for crime, I suggest the expediency of requiring the same officer to examine into all such cases, and to report whether the demand is conformable to law, and further, whether the fugitive shall be delivered instanter, or such delivery be postponed ; and his reasons for his opinion. It is believed that such legislative enactments will save much inconvenience, and the expenditure of considerable money.

JOHN DAVIS.

*Council Chamber, March 8, 1834.*

## CHAP. XXXIV.

*Resolve on the Petitions of Richard C. Greenleaf, Trustee, and Lucy G. Dawes, cestuy que trust, (under the will of Thomas Dawes, late of Boston, Esquire.)*

March 8, 1834.

*Resolved*, For the reasons set forth in said petitions, that Richard C. Greenleaf, trustee as aforesaid, is hereby empowered to sell and convey all the right, title and estate which he holds as trustee aforesaid, in and to one undivided twelfth part of a certain parcel of land situate on State street, in said Boston, with the buildings thereon, formerly known as the Dawes buildings, the whole whereof is bounded and described as follows: northerly on State street, there measuring twenty-two feet and five inches; northwesterly on State street, thirty-two feet; westerly on Devonshire street, there measuring forty-two feet and ten and one half inches; southerly on Congress square, thirty-four feet and seven inches; and easterly on Congress square, there measuring sixty-six feet and four inches. And by deed duly executed, acknowledged and recorded, to convey the same to the purchaser or purchasers thereof, for a sum not less than three thousand dollars; the said trustee to hold the proceeds of said sale under the trusts, and for the purposes in said will mentioned and set forth, and for no other, and to invest the same in such manner as the judge of probate for the county of Suffolk shall approve.

## CHAP. XXXV.

*Resolve on the Petitions of Richard C. Greenleaf, Trustee,  
and Elizabeth Dawes, cestuy que trust.*

March 8, 1834.

*Resolved*, For the reasons set forth in said petitions, that Richard C. Greenleaf, in his said capacity of trustee, is hereby empowered to sell and convey all the right, title and estate which he holds as trustee aforesaid, in and to one undivided twelfth part of a certain parcel of land situate on State street in said Boston, with the buildings thereon, formerly known as the Dawes buildings, the whole whereof is bounded and described as follows : northerly on State street, there measuring twenty-two feet and five inches ; northwesterly on State street, thirty-two feet ; westerly on Devonshire street, there measuring forty-two feet and ten and a half inches ; southerly on Congress square, thirty-four feet and seven inches ; and easterly on Congress square, there measuring sixty-six feet and four inches. And by deed duly executed, acknowledged and recorded, to convey the same to the purchaser or purchasers thereof, for a sum not less than three thousand dollars ; the said trustee to hold the proceeds of said sale, under the trusts, and for the purposes in said will mentioned and set forth, and for no other, and to invest the same in such manner as the judge of probate for the county of Suffolk shall approve.

## CHAP. XXXVI.

*Resolve on the Petition of Josiah Quincy, Jun.*

March 8, 1834.

*Whereas*, it appears from the petitions of Josiah Quincy, Jun., trustee, and Sarah Brooks, cestuy que trust, under the will of John Brazer, late of Boston, esquire, that the said Josiah holds, in his said capacity, five undivided sixth parts of a certain lot of land, situated in Boston aforesaid, with the buildings thereon, formerly known as the Dawes building, the whole whereof is bounded and described as follows : northerly on State street, there measuring twenty-two feet and five inches, northwesterly on State street thirty-two feet, westerly on Devonshire street, there measuring forty-two feet and ten and a half inches, southerly on Congress square thirty-four feet and seven inches, and easterly on Congress square, there measuring sixty-six feet and four inches—in trust for said Sarah Brooks, during her natural life, and on her decease to be divided among her children according to the provisions of said will.

*And whereas*, it appears that it will be greatly for the advantage of those beneficially interested under said will, that the remaining sixth part should be held by said trustee under the same trusts under which he now holds the undivided five sixths as aforesaid ;—

*Wherefore resolved*, That the said Josiah Quincy, Jun., trustee as aforesaid, is hereby authorized to invest a portion of the personal property held by him under said trust (not exceeding the sum of six thousand five hundred dollars) in the real estate aforesaid, to be held by

him under the same trusts and in the same manner in which he now holds the five sixths of said estate, as trustee, under the will of John Brazier.

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## CHAP. XXXVII.

*Resolve for the pay of the Clerk of the House of Representatives.*

March 12, 1834.

*Resolved*, That there be paid out of the treasury of this Commonwealth to the clerk of the house of representatives eight dollars per day, for each and every day he may be employed, during the remainder of the present session of the legislature, in the discharge of the duties of that office ; and that there be further paid to the clerk, one hundred dollars for copying the journal of the house for the library, as required by the orders of the two branches of the legislature, and ten dollars per day for his services from the commencement of the session to the time of passing this resolve ; and that a warrant be drawn accordingly.



CHAP. XXXVIII.

*Resolve on the Petition of David Emerson.*

March 14, 1834.

*Resolved*, That, for the reasons set forth in said petition, the judgment recovered by this Commonwealth at a term of the court of common pleas begun and holden at Boston, within and for the county of Suffolk, on the first Tuesday of January last past, for the sum of fifty dollars debt, and eight dollars and seventy-six cents costs of suit, in an action on the recognizance of said Emerson, on which judgment said Emerson stands committed to the gaol in said county, be released and remitted; and that the attorney of the Commonwealth for the county of Suffolk is hereby authorized and directed to release and remit the same, and to cause the said Emerson to be discharged from his imprisonment thereon.

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CHAP. XXXIX.

*Resolves relating to the Navigation of Taunton River.*

March 15, 1834.

*Resolved*, That the senators of this Commonwealth in the congress of the United States are hereby instructed, and the representatives requested, to use their endeavors

to sustain a petition there pending, for an appropriation of money for the removal of the obstructions to the free navigation of Taunton river.

*Resolved*, That his excellency the governor hereby is requested to transmit to each of the senators and representatives of this Commonwealth in congress, a copy of the foregoing resolve.

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## CHAP. XL.

*Resolve on the Petition of Gideon Sibley.*

March 15, 1834.

*Resolved*, For the reasons set forth in said petition, that the sum of sixteen dollars and sixty-seven cents be paid out of the treasury of this Commonwealth to Gideon Sibley, for services rendered by him as brigade inspector in the second brigade, sixth division, of the Massachusetts militia ; and that a warrant be drawn accordingly.

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## CHAP. XLI.

*Resolve on the Petition of John A. Lazell.*

March 19, 1834.

*Resolved*, On the petition of John A. Lazell, as guardian of his minor children, and for the reasons therein set forth, that whenever the said John A. Lazell shall

produce to the judge of probate in and for the county of Worcester, satisfactory evidence that he, the said Lazell, has purchased real estate situated in the state of Ohio, equal to the present appraised value of that mentioned in said petition, and has caused the title and interest therein to be vested in his said wife and minor children, in the same manner, and to the same uses as the real estate mentioned in said petition is now held, said judge of probate may license and empower the said John A. Lazell, his agent or attorney, to sell at public vendue, and convey by good and sufficient deed or deeds, all the interest of his said minor children in and unto the real estate in said petition mentioned ; he, the said Lazell, his said agent or attorney, first giving notice of such sale in the same manner as is now required to be given previous to the sale of the real estate of minors by their guardians.

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## CHAP. XLII.

### *Resolve on the Petition of William Parker.*

March 19, 1834.

*Resolved*, For the reasons set forth in said petition, that William Parker of Boston, in the county of Suffolk, who, as an agent duly authorized therefor by the supreme judicial court, did sell and pass deeds of the interest of Isabella Cooper Nichols, Jane Nichols, and John Nichols, minors, and children of John Nichols, late of Newton, in the county of Middlesex, deceased, in and to certain real estate situate in said Newton, is

hereby authorized at any time within two months after the passing of this resolve, to make and file in the probate office, in the county of Middlesex, his affidavit, setting forth the time, place, and manner in which he gave notice of the sale of said real estate; and such reasonable notice being given to all persons interested in such real estate, as the judge of probate for said county of Middlesex shall order, to appear and shew cause, if any they have, why said affidavit should not be filed as aforesaid, and no such persons interested as aforesaid appearing and showing good cause to the contrary, such affidavit, being so filed, shall be evidence of the time, place, and manner in which such notice of sale was given, and be as effectual for all purposes as if the same had been made and filed in said probate office within the time prescribed by law.

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### CHAP. XLIII.

*Resolve for supplying the Judges of Probate with the Laws and Resolves.*

March 20, 1834.

*Resolved*, That the judges of probate of the several counties shall be entitled to receive, each, one copy of all the laws and resolves published since the legislative year 1821, and of all laws and resolves hereafter to be published by order of the legislature.

CHAP. XLIV.

*Resolve authorizing the Adjutant General to convey land in Framingham.*

March 21, 1834.

*Resolved*, That William H. Sumner, adjutant general of this Commonwealth, is hereby authorized to convey by deed, to the Rev. George Trask of Framingham, all the right of the Commonwealth in and to a certain tract of land in said Framingham, on which the gun-house stands, and bounded as follows, to wit:—beginning at the southwest corner of a lot of stable ground, number one, near the meeting-house, and running westerly on land of the said town of Framingham eighteen feet, to a stake and stones; thence turning so as to make a right angle, and running northerly thirty feet to a stake and stones; thence turning so as to make a right angle, and running easterly eighteen feet to a stake and stones; thence in a straight line to the bound first mentioned, with the gun-house thereon, and all the privileges and appurtenances to the premises belonging, being the same lot of land which was conveyed to the Commonwealth of Massachusetts by a deed of Nathan Stone, of said Framingham, bearing date March twenty-first, one thousand eight hundred and eight.

## CHAP. XLV.

*Resolve on the Petition of Constant Taber.*

March 21, 1834.

*Resolved*, For the reasons set forth in the petition of Constant Taber, that there be paid to him, out of the treasury of this Commonwealth, the sum of sixty-two dollars and forty-five cents, in full compensation for the losses and damage sustained by him from the firing of cannon by a company of artillery at Pawtucket, in June last past ; and that a warrant be drawn therefor accordingly.

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## CHAP. XLVI.

*Resolve on the Petition of John Tyler.*

March 21, 1834.

*Resolved*, For the reason set forth in said petition, that there be paid from the treasury of the Commonwealth to John Tyler, the sum of three hundred and twenty dollars ; and his excellency the governor is requested, by and with the advice of council, to draw his warrant therefor.

## CHAP. XLVII.

*Resolve appropriating money for the payment of the current expenses of the State Lunatic Hospital.*

March 21, 1834.

*Resolved*, That there be paid out of the treasury of the Commonwealth, from any monies not otherwise appropriated, a sum not exceeding fifteen thousand dollars, to defray the current expenses of the State Lunatic Hospital, and that warrants be drawn therefor, from time to time, as the same may be required.

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## CHAP. XLVIII.

*Resolve providing for the settlement of the accounts of the Land Agent of the Commonwealth.*

March 25, 1834.

*Resolved*, That George W. Coffin, land agent of the Commonwealth, be, and he hereby is discharged from the payment of the sum of sixty-eight thousand five hundred and five dollars and seventy-six cents, the receipt of which is acknowledged in his accounts with the Commonwealth for the year ending January 31, 1834.

## CHAP. XLIX.

*Resolve relating to the sale of the Public Lands.*

March 25, 1834.

*Resolved*, That the land agent is hereby empowered to sell the several townships or tracts of land belonging to this Commonwealth, and situated in the state of Maine, on such terms as he may deem expedient, and to make good and sufficient deeds of the same : *provided, however*, that the aggregate of sales authorized by this resolve shall not exceed six townships.

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## CHAP. L.

*Resolve on the Petition of John Dillingham.*

March 25, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to John Dillingham, the sum of two hundred and eighty-six dollars and forty-six cents, payable on demand ; also the further sum of seventy-five dollars per annum, for the term of two years from and after the first day of April, 1834, if he shall so long live, in full compensation for the losses and expenses sustained by him in consequence of being wounded while in the performance of military duty ; and that warrants be drawn therefor accordingly.



CHAP. LI.

*Resolve on the Petition of Ebenezer Shute.*

March 26, 1834.

*Resolved*, for reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth to Ebenezer Shute, the sum of forty dollars, in full compensation for his services in the prosecution of a person guilty of possessing, with intent to utter, counterfeit bank notes, and that a warrant be drawn therefor accordingly.

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CHAP. LII.

*Resolve for the pay of the Clerks of the Senate.*

March 26, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the clerk of the senate eight dollars per day, and to the assistant clerk of the senate six dollars per day, for each and every day's attendance they have been or may be employed in that capacity, during the present session of the legislature; and that there be further paid to the clerk of the senate the sum of one hundred dollars for copying the journal for the library, as required by an order of the senate; and that warrants be drawn therefor.

## CHAP. LIII.

*Resolve on the Petition of James Chase.*

March 27, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to James Chase, the sum of two hundred and ninety dollars, payable on demand ; also one hundred dollars annually for and during the term of three years, from and after the first day of April, A. D. 1834, if he shall so long live, on account of his injuries and expenses sustained in consequence of wounds received by him while in performance of military duty. And that warrants be drawn therefor accordingly.

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## CHAP. LIV.

*Resolve for an allowance to Philip M. Marvel.*

March 27, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Philip M. Marvel, the sum of fourteen dollars, in full for his expenses and attendance before a committee of the legislature, and that a warrant be drawn therefor.

## CHAP. LV.

*Resolve on the Petition of Ebenezer Shute, Richard Hosea, John Wilson and Thomas P. Brown.*

March 27, 1834.

*Resolved*, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth, to Ebenezer Shute, Richard Hosea, John Wilson, and Thomas P. Brown, the sum of one hundred dollars, to wit :—twenty-five dollars to each of them, in full compensation for their services in arresting a fugitive from justice, and in full for all claim they have against the Commonwealth, or any citizen thereof, for arresting said fugitive, and that warrants be drawn therefor accordingly.

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## CHAP. LVI.

*Resolve on the Petition of Betsey Ellis.*

March 27, 1834.

*Resolved*, For the reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth, to Betsey Ellis, the sum of one hundred and fifty dollars, in full compensation for the claims and expenses mentioned in said petition ; and that a warrant be drawn therefor accordingly.

## CHAP. LVII

*Resolve on the Petition of the Mayor and Aldermen of the City of Boston.*

March 28, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to the city of Boston, the sum of five thousand dollars, to be in full compensation for all claims and demands of the said city on account of the cost and erection of a hospital on Rainsford Island, for the reception of persons having the small pox, and that there be a warrant drawn therefor.

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## CHAP. LVIII.

*Resolve to pay the Chaplains.*

March 28, 1834.

*Resolved*, That there be paid out of the Treasury to the Rev. Chandler Robbins, chaplain of the senate, and to the Rev. Edward T. Taylor, chaplain of the house of representatives, the sum of sixty dollars each, and that a warrant be drawn therefor.

## CHAP. LIX.

*Resolve to provide for Fuel, and for other purposes.*

March 28, 1834.

*Resolved,* That there be paid out of the treasury to Jacob Kuhn, messenger of the general court, the sum of fifteen hundred dollars, to enable him to purchase fuel and other necessary articles for the use of the general court, the council chamber, land office, and the offices of the secretary, treasurer, and adjutant and quarter master general—said Kuhn to be accountable for the expenditure of the same—and that a warrant be drawn therefor.

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## CHAP. LX.

*Resolve to pay the Messenger.*

March 28, 1834.

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth to Jacob Kuhn, in full for his services as messenger of the general court, and for his care of the state house, and all other services rendered by him, including those mentioned in a resolve passed on the nineteenth day of October, in the year of our Lord one thousand eight hundred and fourteen, from the first day of January last, to the first day of January next, the sum of one thousand dollars, payable quarter yearly, and that a warrant be drawn therefor.

## CHAP. LXI.

*Resolve upon the Petition of Catherine Todd, Guardian of the minor children of Jacob Todd, late of Boston, in the County of Suffolk, baker, deceased, and devisee for life of the residue and remainder of all the real and personal estate of said Jacob Todd.*

March 28, 1834.

*Resolved*, That it shall be lawful for said Catherine Todd, for the reasons set forth in her said petition, to take from the money received by her from the executor of the last will of said Jacob, deceased, the sum of three thousand dollars, or so much thereof as shall be necessary, and appropriate the same in altering and converting two brick buildings in Purchase street, in said Boston, part of the real estate of said Jacob Todd, into dwelling houses. *Provided*, that the said Catherine do render, on oath, to the judge of probate for the county of Suffolk, a just and true account of her proceedings in the premises, with the vouchers to support the expenditures made, within one year from the first day of June next after the passing of this resolve. *Provided, also*, that this resolve shall not take effect until one James Todd, son of the said Catherine Todd, shall have signified, in writing, his assent to the provisions herein contained.

## CHAP. LXII.

*Resolve in favor of John V. Low.*

March 28, 1834.

*Resolved*, That there be paid out of the treasury of this Commonwealth, to John V. Low, assistant messenger to the governor and council, two dollars per day for each and every day he has been or may be employed in that capacity during the present session of the council, and that a warrant be drawn therefor.

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## CHAP. LXIII.

*Resolve providing for the safe keeping of a collection of Geological Specimens belonging to the Commonwealth.*

March 28, 1834.

*Resolved*, That the secretary of the Commonwealth be, and he hereby is authorized to deposit the collection of geological specimens, made by professor Hitchcock for the use of the Commonwealth, in the cabinet of the society of natural history of Boston, on such conditions as may secure the safe keeping of the same, and their return when desired ; and also to provide suitable cases for containing them ; and his excellency the governor is authorized to draw his warrant on the treasury for such sum or sums as may be necessary to carry into effect

to provisions of this resolve. *Provided*, such sum shall not exceed two hundred dollars: *and provided, further*, that the governor and council, and the members of the legislature, when in session, shall at any suitable hours have a right to visit and examine such collection.

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## CHAP. LXIV.

*Resolve providing for the binding and distribution of the documents relating to Nullification.*

March 28, 1834.

*Resolved*, That the clerk of the senate cause to be bound, in good and sufficient binding, the documents on the subject of nullification, now printing by order of the last general court, and that the governor be requested to draw his warrant on the treasury for such sum as may be necessary to defray the expense thereof.

*Resolved*, That said documents, when bound, shall be deposited in the office of the secretary of the Commonwealth, and shall be distributed therefrom in the following manner, to wit:—

Twelve copies to the governor.

Six copies to the lieutenant governor.

Two copies each to the president of the senate, and speaker of the house of representatives.

One copy to each member of the council, senate, and house of representatives of the last year, and to each member of the council, senate, and house of representatives of the present year, who was not a member of the last legislature.



One copy each to the secretary, treasurer, and to each of the clerks of the two houses.

One copy to each of the senators and representatives from this Commonwealth in the congress of the United States.

Five copies to be deposited in the library of the state.

Two copies each to Harvard, Amherst, and Williams' colleges.

One copy to each judge of the supreme judicial court, and of the court of common pleas.

One copy to each incorporated athenæum in this Commonwealth.

One copy to the American academy of arts and sciences.

One copy to the Antiquarian society in Worcester.

One copy to the Massachusetts historical society.

One copy to each town in the Commonwealth.

One copy to each incorporated mechanic association in the Commonwealth.

One copy to the pilgrim society in Plymouth.

And the remainder to be disposed of under the direction of the governor of the Commonwealth.

## CHAP. LXV.

*Resolve on the Petition of William Lyman and others.*

March 28, 1834.

*Resolved*, For reasons set forth in said petition, that the sales of real estate of Joseph White, late of South Hadley, in the county of Hampshire, deceased, under a

decree and license of the court of probate of said county, dated May 7, 1833, made by William Lyman, as executor, on the 30th day of May and the 12th day of June, 1833, and the conveyances made in pursuance of said sales, be, and the same are hereby confirmed and made valid, in the same manner and to the same extent as if the oath required by law had been legally administered and recorded : *provided*, that the said William Lyman has in all other respects complied with the requisitions of law in regard to said sales.

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## CHAP. LXVI.

*Resolve in favor of Solomon Willard.*

March 28, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Solomon Willard, architect, the sum of ten dollars, in full for his services in making examinations, plans and estimates for a safe room in the state house, and that a warrant be drawn therefor.

## CHAP. LXVII.

*Resolve in favor of Ira Derby.*

March 28, 1834.

*Resolved*, That Ira Derby, son of Benjamin Derby, deceased, of Weymouth, in the county of Norfolk, be placed on the list of persons supported by this Commonwealth at the American asylum for the education of the deaf and dumb, at Hartford, agreeably to the provisions of a resolve heretofore passed in relation to state beneficiaries.

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## CHAP. LXVIII.

*Resolve on the Petition of James Baldwin in behalf of Benjamin Baldwin.*

March 28, 1834.

*Resolved*, For reasons set forth in said petition, that the sum of four hundred and fifty dollars be allowed and deducted from the amount which may be due on two promissory notes, each dated August 31st, 1813, and due from said Benjamin Baldwin to this Commonwealth: *provided*, the residue thereof be paid within six months from the passing of this resolve; and the treasurer of this Commonwealth is hereby authorized and directed to cancel and surrender said notes on such receipt thereof.

## CHAP. LXIX.

*Resolve for the payment of certain expenses attending the reception of the President of the United States.*

March 29, 1834.

*Resolved*, That there be paid out of the treasury of the Commonwealth, in full compensation of the claims of the persons and military companies hereinafter enumerated, for expenses incurred in the reception of the President of the United States, during his recent visit to this Commonwealth, the following sums, to wit: to the Salem artillery company, fifteen dollars; to the Washington artillery company, in Boston, ten dollars; to the Norton artillery company, seventeen dollars; to the Roxbury artillery company, when their accounts shall be properly vouched, the sum of ten dollars; to Joseph Thayer, of Uxbridge, twelve dollars, and to Holmes Sprague, of Bridgewater, twelve dollars, for attendance and expenses, and that warrants be drawn accordingly.

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CHAP. LXX.

*Resolve in relation to the pay of the Clerk of the House of Representatives.*

March 29, 1834.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to the clerk of the house

of representatives, ten dollars per day for each and every day's attendance he has been or may be employed in that capacity during the present session of the legislature ; and that there be further paid to him the sum of one hundred dollars for copying the journal for the library, as required by an order of the house of representatives, and that a warrant be drawn accordingly.

*Resolved*, That a resolve passed on the twelfth day of March, of the present year, in relation to the pay of said clerk, be, and the same is hereby repealed.

## CHAP. LXXI.

*Resolve on the Petition of Mary Hutchinson, of Boston, in the county of Suffolk, widow of John Hutchinson, late of said Boston, sail-maker, deceased.*

March 29, 1834.

*Resolved*, For reasons set forth in said petition, that Joshua Emmons, trustee of certain real estate in said Boston, for the benefit of said Mary and her minor children, is hereby empowered to sell at public auction, and to execute and deliver good and sufficient deed or deeds to convey the following described real estate, situated in said Boston, and bounded as follows : southerly on Cross street ; westerly by a house or tenement formerly of Eliakim Hutchinson, deceased ; northerly by land now or formerly of the heirs of Nathaniel Holmes, deceased ; easterly upon land formerly of Israel Ellingwood, deceased ; the said land measuring sixty feet in length, twenty-two feet in front, and twenty feet four inches

in the rear, be the same more or less, together with all the privileges and appurtenances thereunto belonging. *Provided*, said Emmons shall first give bond to the judge of probate for the county of Suffolk, in such penalty, and with such surety or sureties as shall be satisfactory to said judge, conditioned that he will, in all things relating to said sale, conform to the requirements of the law providing for the sale by administrators of the real estate of persons deceased, for the payment of their just debts. *Provided, further*, that the proceeds arising from such sale, shall be invested in other real estate situated in said Boston, to be held upon the same trusts, and for the same uses as those described in the deed of John Hutchinson, conveying the described premises to said Emmons, dated 10th February, A. D. eighteen hundred and twenty, and recorded with Suffolk deeds, book 266, page 217: *provided, also*, that the real estate so to be purchased with such proceeds, may be conveyed in trust as aforesaid, to such person as said Emmons and said Mary Hutchinson may nominate: *provided*, said judge of probate shall approve of such trustee so named.

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## CHAP. LXXII.

*Resolve authorizing the sale of the interest of the Commonwealth in certain Real Estate in Williamstown.*

March 29, 1834.

*Resolved*, For the reasons set forth in the petition of Henry Baker and others, that Stephen Hosford, Esquire, of Williamstown, is hereby authorized to make sale of all

the interest of this Commonwealth in a certain tract of land situated in said Williamstown, containing about fourteen acres, which is now in the possession of one Hannah Younger, in such manner, and on such terms as he shall deem expedient, and to execute a sufficient release thereof to the purchaser. And the said Stephen is further authorized to hold the proceeds of said sale in trust, and apply such portion thereof as may be necessary, not exceeding sixty dollars in any one year, for the maintenance of the said Hannah, and at her death to pay over to the treasurer of this Commonwealth, all which may remain in his hands of such proceeds, and render an account to the said treasurer of all his receipts and expenditures under the authority of this resolve. *Provided*, that the said Stephen shall, before the sale of the land above mentioned, file in the said treasurer's office a bond, which shall have been approved by the attorney of the western district of this Commonwealth, for the faithful discharge of all the trusts herein created.

### CHAP. LXXIII.

*Resolves in relation to the Trigonometrical Survey of the Commonwealth, and making a further appropriation for the same.*

March 29, 1834.

*Resolved*, That said survey ought to be continued, and for that purpose the governor, by and with the advice and consent of the council, is hereby authorized to employ a skilful and diligent engineer, and to adopt

such other measures as may be necessary for the purpose of continuing said survey, and said engineer shall be removable at the pleasure of the governor.

*Resolved*, That said engineer be required to make to the governor, quarter-yearly, a report, stating in detail the daily operations and employments of himself and of each person under him, in such manner that the amount and kind of labor performed each day can be fully understood.

*Resolved*, That said engineer shall also file in the office of the secretary of state, a full and complete transcript of all his memoranda, and notes of every description, with all the calculations and results of calculations, which may be necessary or useful, after having been so made, in carrying forward the work to its completion.

*Resolved*, That the sum of seven thousand five hundred dollars be appropriated out of any money in the treasury not otherwise appropriated, to discharge what shall, on examination, appear to be the just amount of claims of James Stevens on the government, and to carry into effect the objects aforesaid; and that the governor be authorized to draw warrants for the same in such sums as may be necessary to pay past and future expenditures.

*Resolved*, That said engineer shall be accountable for the careful preservation and safe return of all instruments, and other property of the state, placed in his hands, and that he shall, at the end of every quarter, report to the governor the condition of the same.

*Resolved*, That the governor may, with the advice and consent of the council, (if he sees fit,) take the opinion of any scientific person or persons, as to the qualifications and the manner in which the said engineer shall discharge his duties.



## CHAP. LXXIV.

*Resolve fixing the pay of the Committee appointed "to examine the Report of the Commissioners for revising the Statutes."*

March 29, 1834.

*Resolved*, That there be paid out of the treasury of this Commonwealth, to each member of the committee appointed at the present session of the general court, "to examine the report of the commissioners for revising the statutes," the sum of three dollars for each and every day's attendance at the meeting of said committee, and the sum of two dollars for every ten miles travel, from their respective places of abode to the place of sitting of said committee, once each way, during the sitting of the committee; and that a warrant be drawn accordingly. And if said committee shall find it necessary, they shall have power to appoint a secretary, and to make such allowance for his services as they may deem just and proper.

CHAP. LXXV.

*Resolve for payment of the Commissioners appointed to examine the several Gaols and Houses of Correction in this Commonwealth.*

March 29, 1834.

*Resolved*, That there be paid out of the treasury of this Commonwealth, to John W. Lincoln two hundred and fifty-two dollars and seventy-seven cents, and to Louis Dwight two hundred and thirty-three dollars and twenty-two cents, in full compensation for their respective services and expenses in the examination of the gaols and houses of correction in this Commonwealth; and that warrants be drawn therefor.

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CHAP. LXXVI.

*Resolve on the Petition of William G. Lambert and Charles Scudder, Executors of the last will and testament of Gilman Prichard, late of Boston, in the County of Suffolk, merchant, deceased.*

March 31, 1834.

*Resolved*, For reasons set forth in said petition, that the said William G. Lambert and Charles Scudder, in their capacity as executors, as aforesaid, are hereby em-

powered to make, sign, seal and deliver, and duly acknowledge, good and sufficient deed or deeds, unto Thomas Hobart, Daniel Mitchell, Theodore Mitchell, Winslow Mitchell, and Cushing Vinal, their heirs and assigns, of five undivided sixteenth parts of a certain woollen and cotton factory, situated in Halifax, in the county of Plymouth, with all the lands and other real estate connected therewith, being the same premises owned by said Prichard, as one of the copartners of the firm of Hobart, Mitchell, and Company. *Provided, however,* that before the said William G. Lambert and Charles Scudder, as such executors, shall execute any deed in pursuance of the power hereby granted, they shall make and execute to the judge of probate for the said county of Suffolk, a bond, with sufficient surety or sureties, to be approved by him, in such penalty as he may require, with condition that the said Lambert and Scudder shall conduct with good faith in making such sale and conveyance, and shall well and truly account for the purchase money which they may receive as the consideration for the conveyance of the said property.

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CHAP. LXXVII.

*Resolve on the Petition of Reuben Bacon.*

March 31, 1834.

*Resolved,* For reasons set forth in said petition, that Reuben Bacon of Bedford, in the county of Middlesex, administrator, with the will annexed, of the estate of David Reed, late of Bedford, in said county, deceased,

is authorized, at any time before the first day of July next, to make and file in the probate office of the county of Middlesex, his affidavit, setting forth the time, place and manner in which he gave notice of the sale of certain real estate of said deceased, situated in said Bedford, which the said Bacon was authorized to sell by virtue of an order from the probate court, holden at Cambridge, within and for said county of Middlesex, on the sixth day of March, in the year of our Lord one thousand eight hundred and thirty-two, and such reasonable notice being given to all persons interested in such real estate as the judge of probate for said county shall order, to appear and shew cause, if any they have, why such affidavit should not be filed as aforesaid, and no such person interested as aforesaid appearing, and shewing good cause to the contrary, such affidavit being so filed shall be evidence of the time, place and manner in which such notice of sale was given, and be as effectual for all purposes as if the same had been made and filed in said probate office within the time prescribed by law.

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## CHAP. LXXVIII.

*Resolves respecting the Returns to be made by School Committees for the current year.*

March 31, 1834.

*Resolved*, That, on or before the first day of May next, the secretary of the Commonwealth cause to be printed, in such form as he shall deem best, the act to

establish the Massachusetts school fund, and these resolves; and that they, together with a blank containing the enquiries which accompany these resolves, be transmitted to the school committee in each city, town or district, within the Commonwealth.

*Resolved*, That the return, now required to be annually made by the several school committees, be dispensed with for this year, and that in lieu thereof it shall be the duty of the school committee in each city, town or district, carefully to prepare answers to these enquiries, and make return thereof to the secretary's office, on or before the first day of December next. And any city, town or district, whose committee shall neglect to answer and make return as aforesaid, shall not receive the benefit of the school fund the first year the income thereof shall be distributed.

*Resolved*, That the secretary cause an abstract of the returns to be prepared, and one thousand copies thereof printed, for the use of the next general court, and laid before them during the first week of their session.

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## CHAP. LXXIX.

*Resolve for the pay of the Council, Senate, and House of Representatives.*

March 31, 1834.

*Resolved*, That there be paid out of the treasury of this Commonwealth to each member of the senate and house of representatives, two dollars for each and every day's attendance as such, the present political year, and

the like sum of two dollars for every ten miles travel from their respective places of abode, once in each session, to the place of the sitting of the general court ; and also to each member of the council two dollars for each day's attendance at that board, at every session thereof during the present political year, and the like sum of two dollars for every ten miles travel from their respective places of abode, once in each session thereof ; and to the president of the senate and speaker of the house of representatives, each, two dollars for each and every day's attendance, in addition to their pay as members.

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#### CHAP. LXXX.

*Resolve on the Petition of Joseph Hay and Benjamin Atkins.*

March 31, 1834.

*Resolved*, For reasons set forth in said petition, that there be paid out of the treasury of this Commonwealth to Joseph Hay and Benjamin Atkins, the sum of twenty-eight dollars, and that a warrant be drawn therefor.

CHAP. LXXXI.

*Resolve on the Petition of David Thatcher.*

March 31, 1834.

*Resolved*, That there be paid out of the treasury of this Commonwealth to David Thatcher, the sum of one hundred and seventy dollars, in full compensation for his losses and expenses incurred in the detection and prosecution of a fugitive from justice, and that a warrant be drawn therefor.

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CHAP. LXXXII.

*Resolve for repairs and alterations in the Senate Chamber.*

March 31, 1834.

*Resolved*, That the clerk of the senate be directed to cause the bars of the senate chamber to be continued to the door, and to be covered, the ceiling to be whitened, the chandelier to be repaired, and such alterations to be made in the furnace, and in the desk of the president, as may be deemed expedient, and that the governor be requested to draw warrants on the treasury to defray the expenses thereof.

## CHAP. LXXXIII.

*Resolve for repairs and alterations of the State House.*

April 1, 1834.

*Resolved*, That the chairman of the committee on public buildings, on the part of the house of representatives, be, and he hereby is, directed to cause a brick cistern to be constructed and furnished with such apparatus for the use of the water closets, as may be found necessary. And that he cause the following repairs and alterations to be made : the floors and stairs of the east entry to be repaired or relaid ; the porticos at each end of the house to be repaired and secured against the effects of the weather ; the windows and wood work about the house to be well and sufficiently repaired ; the whole exterior walls and wood work to be painted with at least two coats of paint, and such alterations to be made in the drawers under the seats of the members, as will render them more convenient for use. And that he cause measures to be taken more effectually to ventilate the house.

*Resolved*, That the chairman of said committee shall present the accounts for the above mentioned repairs and alterations to the treasurer for allowance, and that a warrant be drawn therefor.



CHAP. LXXXIV.

*Resolve on the Petition of Thomas Withington.*

April 1, 1834.

*Resolved*, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth to Thomas Withington, the sum of fifty dollars, for services rendered and loss sustained by him in the revolutionary war, and that a warrant be drawn accordingly.

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CHAP. LXXXV.

*Resolves concerning the Revision of the Statutes of the Commonwealth.*

April 1, 1834.

*Resolved*, That the president of the senate and the speaker of the house of representatives, with seven members of the senate and twelve members of the house, be a committee to sit in the recess of the general court, to examine the revised statutes of the Commonwealth, when they shall be prepared by the commissioners appointed for that purpose under the resolve passed on the 24th day of February, 1832.

*Resolved*, That when the doings of the commissioners shall be prepared for such examination, they shall give

notice thereof to the chairman of the said committee, who shall thereupon call a meeting of the committee, to be held in the senate chamber, at such time as he shall appoint; and the committee shall assemble accordingly, and proceed thoroughly to revise and examine the code that shall be submitted to them, and shall propose all such amendments, additions, and alterations therein, as they shall think to be necessary or expedient, and shall make a detailed and particular report of their votes and proceedings from day to day, to the next general court.

*Resolved*, That the said commissioners be, and they are hereby authorized, as soon as the revised statutes are prepared, to cause to be printed a sufficient number of copies thereof, and to send one copy to every member of the council, and of the present general court, one copy to every town in the Commonwealth for the use of the selectmen and other town officers, and one copy to every public officer and other person that shall be thought proper, in order that the proposed statutes may be known as extensively as possible throughout the Commonwealth.

HOUSE OF REPRESENTATIVES, March 22, 1834.

Passed, and sent up for concurrence.

W. B. CALHOUN, *Speaker*.

IN SENATE, March 31, 1834.

Passed in concurrence—and Messrs. Patrick Boise, John Bailey, John R. Adan, Nathaniel Austin, Ira Barton, Nathan C. Brownell, and Daniel Wells, are joined to the president, on the part of the senate.

Sent down to be joined.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, April 1, 1834.

The following gentlemen are appointed to constitute the committee on the part of the house, in addition to the speaker, viz : Messrs. Leverett Saltonstall, Caleb Cushing, Frederick Robinson, Samuel B. Walcott, Charles Allen, David Wilder, Osmyn Baker, Julius Rockwell, Theron Metcalf, Ebenezer T. Fogg, Elnathan P. Hathaway, and Henry Crocker.

W. B. CALHOUN, *Speaker*.

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CHAP. LXXXVI.

*Resolve in addition to "Resolves concerning the Revision of the Statutes of the Commonwealth."*

April 1, 1834.

*Resolved*, That if, at the assembling of the committee, appointed under the resolves to which this is in addition, there shall be any vacancy therein, by reason of sickness, resignation, or other cause, the remaining members of said committee shall have authority to fill such vacancy, by the appointment, by ballot, of such person or persons as they may deem proper ; and that such person or persons, so appointed, shall have the power, be under the obligations, and entitled to the compensation, conferred, imposed and provided by said resolves, and a resolve providing compensation for said committee.

## CHAP. LXXXVII.

*Resolve making an appropriation for the Quarter Master General's Department.*

April 1, 1834.

On the memorial of William H. Sumner, acting quarter master general,

*Resolved*, That the sum of four thousand dollars be, and hereby is appropriated, to defray the expenses of the quarter master general's department; and that his excellency the governor, by and with advice of council, be requested to draw his warrant on the treasury for the same, for such sums, and at such times, as the public service shall require, in favor of the acting quarter master general, for the faithful application of which he is to be accountable.

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## CHAP. LXXXVIII.

*Resolve on the Petition of Daniel Amos, and others.*

April 1, 1834.

*Resolved*, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth, to Daniel Amos, twenty-three dollars;

to Isaac Coombs, twenty-three dollars ; to Joseph Amos, eleven dollars ; to Ebenezer Attaquin, eleven dollars ; to Nathan Pocknet, fourteen dollars ; to William Apes, the sum of twenty-three dollars, and to William Amos, fourteen dollars ; and that warrants be drawn therefor.



## ROLL, No. 108.....JAN. 1834.

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The COMMITTEE ON ACCOUNTS, having examined the several accounts for the support of STATE PAUPERS, and the accounts for MILITIA SERVICES, presented to them, report,

That there are due to the several CORPORATIONS and PERSONS hereinafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

By order of the Committee,

N. C. BROWNELL, *Chairman.*

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### PAUPER ACCOUNTS.

ALL WHICH ARE TO JANUARY 1, 1834, EXCEPT WHEN OTHERWISE SPECIFIED.

Ashfield, for support of Charles Simpson, adult,	36 50
Ashburnham, for support of William Stineger, adult, and Hiram Stineger, child,	53 40
Amesbury, for support of Robert Baker and James Richards, adults, and Moses and Wil- liam H. Bickford, children,	80 50

Adams, for support of Seth Harris, Mary Harris, Elsy Ann Harris, Phila Hill, Lydia Townsend, Sarah Dodge, Sarah Goodrich, Agnes Moses, Robert Harris, Elihu Maroin, adults, and Eliza, Zerua, George and Caudis Harris, Katy Shepard, and Sarah Van Rensselaer, children,	267 28
Amherst, for support of Peter Jackson, Sarah Jackson, Jane Richardson, and Polly Richardson, adults, and Angeline Palmer, child,	167 90
Andover, for support of Sukey Hornsby, Jane Jackson, Lucy Foster, Rosanna Coburn, Flora Chandler, Dinah Chadwick, Mary Haley, Jarvis Flanders, Genett Vansellars, James Norton, Peter Sigourney, Benjamin Rushton, Thomas McMurphy, Josephine Knowlton, adults, and Hannah Highland, Joseph Lyman, George, Joshua and Mary Ann Haley, children,	295 92
Abington, for support of Antonio Julio and Margaret Jack,	73 00
Attleborough, for support of Mary Montgomery, David Butler, John Brockway, Nancy Brayton alias Green, adults, Betsy, Eleanor, and James Bromeley, children,	109 60
Becket, for support of Elizabeth Hamblin, adult, and Jane Parker, child, and funeral expenses of said Elizabeth Hamblin,	61 04
Bridgewater, for support of Paul C. Chute, John Chesnut, Jane Chesnut, Rachel Elaba or Asabella, Benj. Mehaine, Hannah Fowler, Amy Ward, adults, Isaac Wood, child, also funeral expenses of Paul C. Chute,	176 55



# PAUPER ACCOUNTS.

671

Blandford, for support of John H. Burham, Susan Burdick, and Polly Burdick, adults,	102 96
Belchertown, for support of Hannah Levens, Susanna McIntire, Duty Darling, and Moses Kilburn, adults,	113 50
Billerica, for support of James Hinn, and funeral charges,	5 70
Billerica, for expenses incurred by the sickness of David W. Brown, with the small pox,	130 16
Brookline, for support of Ann Potter, child,	21 90
Braintree, for support of Thomas Evans, Titus, a black, adults, and Ann Goweth, child,	44 60
Beverly, for support of Dolly Claxton, Thomas McCam, Bridget McCam, Thomas Rand, Eleanor Dull, Elizabeth McGreve, John Kelly, adults, and Albert McGreve, child,	77 46
Barre, for support of Dinah Backer, adult,	36 50
Bedford, for support of Violet, a black adult,	36 50
Bradford, for support of Kendell Fisk, adult,	45 30
Barnstable, for support of John Robinson, Thomas Francis, Hannah Occo, and William Jackson, adults,	89 95
Burlington, for support of John A. Pasho and Venus Row, adults,	73 00
Brimfield, for support of Thomas Corbin, Geo. W. Paine and Charles Trim, the first an adult and the two last children,	80 30
Berkley, for support of James Cuddy and Mary Lindell, adults,	73 00
Boxborough, for support of Andrew Jackson, child,	21 90
Boston, for support of sundry paupers in the house of industry,	10,538 18

Boston, for supplies to paupers out of the house of industry,	3,402 55
Boston, for support of sundry paupers in the house for juvenile offenders,	710 64
Boston, for support of prisoners in the house of correction,	261 00
Brighton, for support of John T. Baker, adult,	36 50
Cummington, for support of Brister Pierce, adult,	36 50
Clarksburg, for support of Lowell Hill, Naomi Hill, adults, William and Caroline Hill, children,	116 30
Cheshire, for support of Ephraim Richardson, Noel Randell, Joel Lilly, Levi Pierce, Molly Dimond, Martin Blakeman, Polly Cooper, adults, and funeral expenses of Martha Blakeman,	227 60
Colrairie, for support of Kate Vanvaltenburg, John Fowler, and Mary Hart, adults, and John Freeman, child,	98 40
Concord, for support of Samuel Webster, John Stratton, William Rogers, Josephine Collins, and Fitch Jerell, adults,	10 20
Chester, for support of Jenny Hardy and Benjamin Hardy, adults,	73 00
Conway, for support of Hannah Hall, Sally McMurphy, Robert Burgess, Austin Clark, Catharine Clark, adults, and George, William, Abigail, Delany, and Emma Clark, children,	168 20
Carver, for support of Mary Grady, adult,	36 50
Canton, for support of Edward McArdle, adult, and James Gafferny, child, and funeral expenses of said McArdle,	35 70
Chelsea, for support of Betsy Jones, Job Warron, and William Smith, adults,	77 60

Cambridge, for support of sundry paupers, and funeral expenses of nine of said paupers,	3,402 68
Charlton, for support of Robert Bennett, and Catharine Green, adults, and George H. Bennett, a child,	94 90
Cohasset, for support of Charles Willett, and expense of transporting said Willett out of the Commonwealth,	13 87
Charlestown, for support of sundry paupers,	3,735 26
Dartmouth, for support of Cuff Freebon, Phebe Palmer, Eliza Sweet, Richard F. Quinn, Edward Pattern, adults, and infant child of said Phebe Palmer, also funeral expenses of Edward Pattern,	65 96
Danvers, for support of sundry paupers, viz., thirty-six adults and ten children,	465 44
Dalton, for support of Mary Hoos, adult,	51 08
Deerfield, for support of Prince Manuel, Mahala Manuel, Thomas Sowerby, Mehitabel Sowerby, adults, Charles and Martha Manuel, children,	103 92
Dudley, for support of Solomon J. Corbin's wife, Abion Carpenter, Sarah Wilson, adults, and two children of said Corbin,	9 04
Dudley Indians, guardian of, for support of said Indians, supplies, and physician's bill,	81 98
Dorchester, for support of Daniel Haven, William Rogers, Caroline Rogers, John Swazy, Sally Swazy, Elizabeth Myrea, Bridget McGuire, Ann Hague, James Lyons, Ellen Lenchman, adults, James Blake, child, three children of Elizabeth Myrea, also supplies to Mercy Childs, and her five children, also funeral expenses of said Elizabeth Taylor, and James Blake,	129 07

Duxbury, for support of Sarah Simmons, John Carnes, Charles Willet, adults,	87 00
East Bridgewater, for support of Lucinda Nero, and child, Betsy Chase, Elihu Stevens, Amy Richards, Sarah Wood and her two children, Robert Seaver, John Chesnut, Harriet M. Cromwell and her two children—eight adults and five children,	230 33
Egremont, for support of William Goulborn, Betsy Daley, Rosanna Van Guilder, Andrew McCarrou, adults, and George A. Klime, child,	240 90
East Hampton, for support of Submit Bailey, adult, and Charles Bailey, Henry O. Jones, children,	80 30
Essex, for support of Charles Richardson and John Colman, adults,	46 60
Essex County, for support of sundry paupers in House of Correction,	718 10
Fairhaven, for support of Robert Wilson, William Wilson, Margaret Wilson, John Williams, Michael Shehane, William Jones, John Brown, Phebe Brown, Jose Parrara, Albina Nichols, John Lawson, Sarah Law- son, Sarah Carr, John Christopher, Abigail Christopher, adults, William Brown, John and Elizabeth Christopher, children; also, funeral expenses of Michael Shehane, Wil- liam Jones, Jose Parrara, and an unknown person,	301 98
Fairhaven, for support of John Williams and Sarah Carr, adults, to January 1, 1833,	73 00
Freetown, for support of Edward B. Sanford, Rhoda Sanford, Hannah, illegitimate daugh-	

ter of Abigail, an Indian, adults, Amos, Charles, Edward, David, Rhoda and Levi Sanford, children,	222 48
Fitchburg, for support of Lovina Bean, James Bean, Charles Whipple, Edward McBride, Richard Ashby, Catharine Ashby, adults, Eleanor and Elizabeth Bean, children,	17 68
Foxborough, for support of Caroline G. Howe, Warren Angell, adults, and funeral expenses of said Angell,	60 40
Franklin, for support of James Walson, adult, and Susan Parker, child,	25 90
Framingham, for support of Daniel Campbell, — Chute, and James Graham, adults, Phebe Blake, child,	120 50
Groton, for support of Thomas Benson and Caroline Fisher, adults, and Francis, child of said Caroline Fisher,	78 16
Granby, for support of Bulah Murray,	36 50
Great Barrington, for support of Joanna Porter, Lucy Porter, Peter Smith, Sarah Smith, John McGeorge, adults, Maria Rogers and Amarilla Mills, children,	223 48
Granville, for support of Mary Barden, Sally Stuart, adults, Clarissa Barker and Chauncey Goodrich, children,	116 48
Gill, for support of Mary Lawson, adult,	36 50
Grafton, for support of Elizabeth Phillips, Cornelius Johnson, John Laton, adults, Francis L. Whittaker and Olivia Johns, children,	104 36
Gloucester, for support of Elizabeth Dowset, Anna Youlen, Nancy Youlen, Elizabeth Dade, Betsy Lang, Leah Francis, Lydia Witham, John Shaftoe, William Presse,	

Samuel Youlen, Mark Grimes, George Gardner, Else Freeman, Patrick Tray, John Mooring, John Pownell, Thomas Rowe, Mary Rowe, Lucy Sharpe, James Johnson, West S. Blissett, James Bidwell, John Foster, adults, John Youlen, Rachel Sharpe, Lucy J. Sharpe, children,	485 16
Greenfield, for support of Abigail Taggart, adult, George White and Charles Lane, children.	80 08
Hancock, for support of Israel Clark, Mary Clark, John H. North, Rebecca Jones, Geo. W. Jones, Darius Green, Jer. J. Helms, Polly Y. Helms, William H. Helms, all children, except the two first named,	151 12
Halifax, for support of Jane Curtin, adult,	6 88
Heath, for support of Lydia Lamphire, adult,	7 50
Haverhill, for support of Anna Copp, John Gould, Anna Reed, Catharine Makin, Laurane Potter, Nathaniel Bartlett, Miles McDaniel, Moses Parker, John McIntosh, adults, John Q. Adams, Robert Makin, Ann Jane Makin, children, and funeral expenses of Thomas Driscoll,	182 88
Hanover, for support of Hannah Lang, adult,	36 50
Hubbardston, for support of Daniel Mundell and Dustin Clough, adults,	43 50
Hadley, for support of Rebecca Allen, adult,	36 50
Hinsdale, for support of Halsey Simmons, adult,	42 20
Harwich, for support of James Robertson, adult,	36 50
Hingham, for support of Edward Dunn, Robert Frank, and Hannah Marshall, and funeral expenses of said Edward Dunn and Hannah Marshall,	62 32

Hardwick, for support of Hannah Jonah, a child,	16 38
Hanson, for support of Betty Joel, adult,	36 50
Hawley, for support of Gilbert Graves and Mabel Barnes, adults,	72 80
Holliston, for support of John Ford, Richard Ashby, and Catharine Ashby, adults,	43 00
Ipswich, for support of John O'Brien, adult,	36 50
Kingston, for support of Sophia Holmes, John Hunt, Jane Hunt, adults, Emily Holmes, Edward, George, Thomas, and Jane Elizabeth Hunt, children,	158 64
Lexington, for support of Emery Gaffield, adult,	36 50
Ludlow, for support of Harvey Olds, Peter Wakeoff, adults, and funeral expenses of said Peter Wakeoff,	49 50
Lenox, for support of Moses McGrau, Dayton Fuller, Edward Hurlbert, Aurilla Maria Tenyke, Jane Morris, Mary Russell, adults, Dayton Fuller, Jr., Lester Fuller, George Fuller, Aurilla Hurlbert, Lucinda Hurlbert, Edward G. Hurlbert, Henry Tenyke, John Tenyke, Nancy Russell, Abraham Russell, children, and funeral expenses of Edward Hurlbert and Dayton Fuller,	310 00
Lunenburg, for support of Thomas Benson, Jane Mitchell, and Sophronia Rensellaer, adults,	58 60
Littleton, for support of Mrs. Smith and Mary Putnam, adults, two children of said Smith, a child of said Putnam, and James Fossett, a child,	106 86
Lanesborough, for support of John Gabriel,	

Mary Squire, Eunice Foot, Lucy H. Goman, Mary Van Sycle, Hannah Goman, Mary Kip, Amos Dodge, Mary Dodge, Rachel Sher- man, Thomas Griffith, Peter De Croy, John Laporte, Rachel Hinman, adults, Charlotte, Henry, and Throdon Gabriel, Robert and Thomas B. Goman, John and Fidelia Dodge, and Harriet Stansbrow, children,	538 50
Lowell, for support of sundry paupers, viz., sixty-four adults, and thirty-one children, and funeral expenses of nine paupers,	998 70
Leyden, for support of Tacy Clark, Hannah Cole, Sarah Stanton, Ruth Abel, Joseph Abel, adults, and Sarah Booth, child,	204 40
Lee, for support of Sarah Ross, John Marble and wife, Nathan Allen, Cordelia Stanton, Abigail Howland, Margaret Sommons, adults, Jeffrey Tucker, Amos Moore, and Josiah Allen, children,	202 58
Leominster, for support of William Sherer and Hannah Reed, adults,	36 60
Leverett, for support of Asahel Loins, adult,	15 10
Lynn, for support of Henry C. Pressler, Bridget Gilligan, Lathrop Gilligan, David Chase, John Battis, James Proctor, Simon Jones, James Murphy, Ellen Leechman, adults, Ann, John, Mary, and Ellen Gilligan, children,	175 60
Middleton, for support of Charles Francis, Betty Francis, Rose Diggs, Catharine Free- man, Sally Hawkins, and Edmund Francis, adults,	182 50
Montague, for support of Ann Sinclair, adult,	36 50
Monson, for support of Flora Story, Mary Allen, and John Williams, adults,	76 00



Milton, for support of Archibald McDonald, John C. Drew, Thomas Evans, Mons. Nel- son, adults, Mary Ann, Elizabeth, Alfred, and Octavius Spargo, children,	110 18
Marblehead, for support of Hercules Gardner, Mary Card, Michael Kirby, Ira Hammond, Surand Johnson, Henry Pressure, and two children of Surand Johnson; also, funeral expenses of said Hercules Gardner,	58 10
Manchester, for support of William Edward Wheaton, and Joseph Wheaton, children,	43 30
Mendon, for support of John Agar, Lydia Mur- ray, and Benjamin Durfee, adults,	56 70
Montgomery, for support of Hannah Boham, adult,	36 50
Middleborough, for support of Eliza Briggs, Solomon Robinson, Amy Robinson, Jenny Bowen, Sylvia Montgomery, adults, Mary Ann and Thalia McAlister, Freeman and William Hall, children,	244 90
Mount Washington, for support of Hannah Webb, Henry Tyler, adults, and Hannah Warden, child,	70 30
Medway, for support of Charles Poultney and Henry Burley, adults,	18 30
Marshpee Plantation, for support of Lois Pell, Ephraim Jerrette, George Jomy and Luam Hazard, adults,	146 00
Malden, for support of Mehitable Whitney, Peggy Magus, Catharine Lynde, Deborah Saco, William Robinson, Sally Braining, Cyrus Williams, Abigail How and Henry Potts, adults, Georgiana Ramond, child,	193 20
Marshfield, for support of John Baker, Samuel	

Holmes, Bristol White, Jenny Prince, adults, John, Jane and Phebe Quackow, children, and funeral expenses of John Baker and Jenny Prince,	214 20
Milford, for support of Henry Burley, adult,	27 50
Mansfield, for support of Charles Marsh, child,	40 50
Methuen, for support of William Richards, Eleanor Coe, John Hyde, adults, Eleanor and Henry Coe, children,	74 76
Milbury, for support of Rowland Cobb, Joel Z. Cobb, Isaac Flood, Martin Flood, adults, Sarah E. Cobb, Rowland Cobb, Jr., Har- riet S. Cobb, Nancy M. Cobb, Mary F. Cobb, children,	211 70
Medford, for support of Francis York, Susan Hammond, Ira Hammond, Richard Butler, Joan Connelly, Michael Farroll, Lydia Brooks, Martin Brooks, Barzillai Yarner, Sarah Yarner, adults, Lorenzo Hammond, James Hammond, Harriet Ann Brooks, Eli- as Brooks, and John Yarner, children,	253 22
North Brookfield, for support of Esther John- son, adult,	36 50
Northampton, for support of sundry paupers, viz : twenty-two adults and eight children,	483 82
New Marlborough, for support of Oliver Warn, George Williams, and Edward Williams, children,	51 18
New Ashford, for support of Mary Fuller, adult,	36 50
Northborough, for support of Jacob West, adult,	73 00
Newton, for support of William Pickering, Jona. French, Jacob Nichols, Katy O'Brien,	

Thomas Rand, adults, John and Patrick McGarry, children,	117 00
Norwich, for support of Rufus Miner and Ruth Sanford, adults,	73 00
Needham, for support of John Pitcher, Sarah Pastill, Mary McGilley, Eleanor Lowry, Robert Powers, adults, Alva Augustus Powers, child,	80 04
North Bridgewater, for support of James Doren, Charlotte P. Wood, James E. Cromwell, and Charles Cromwell, adults,	109 20
Nantucket, for support of Anthony Swasey, Phillis Painter, Chloe Golding, Matthew Smith, Sophia Beebe, William Hutchens, Henry Villars, Ann Quinn, and Thomas Mackrel, adults,	272 40
Northbridge, for support of Lucy Talbert, adult,	30 70
Newbury, for support of sundry paupers,	512 04
New Bedford, for support of sundry paupers,	1393 98
Newburyport, for support of sundry paupers, viz : forty-eight adults and thirty-one children, and funeral expenses of five adults,	1072 60
Natick, for support of David Thompson, and funeral expenses, Lavina Thompson, adults, and Eleanor, Munroe, and Emily Thompson, children, to Jan 1, 1833,	\$45 72
Wm. Robinson, to Jan. 1, 1834,	10 70—56 42
Orange, for support of Mary Smith and Nathaniel Gates, adults,	23 52
Otis, for support of Abijah G. Hazard, Eunice Hazard, Polly Wilson, and Eunice Rice, adults,	131 90
Plympton, for support of Joseph Gayton, Eliz-	

abeth Gayton, adults, George, Ann, Rebecca, James, Thomas, and Charles Gayton, children,	187 66
Pembroke, for support of Mary Gifford, Esther Prince, adults, Joshua, Charles, and Eliza Prince, children,	53 32
Phillipston, for support of Abraham Shool, adult,	36 50
Proprietors of Gayhead, for support of Hezekiah Sewall, Joshua Stevens, Thomas Moss, adults, and funeral expenses of Joshua Stevens,	81 40
Paxton, for support of William Fiske, adult,	36 50
Pawtucket, for support of Jane Donaldson and Polly Pomroy, adults, and Nancy Donaldson, a child,	71 10
Pittsfield, for support of sundry paupers, viz : ten adults, and fifteen children,	178 62
Plymouth, for support of John McRoap, John Walking, James Reed, William P. Sargent, Sarah Sargent, and Thomas Fuller, adults,	194 20
Palmer, for support of Oliver Wright, Submit Freeman, Nancy Wallis, Roxy Wallis, adults, Benjamin Wallis, a child, and funeral expenses of Oliver Bright and Submit Freeman,	110 88
Quincy, for support of Elizabeth Barron, Rebecca Majester, Robert Durant, Sarah Durant, James Riley, Mary O'Donnell, adults, Catharine and Thomas O'Donnell, children,	94 70
Rehoboth, for support of Nancy Hill, Lucy Kelly, Rhoda Easterbrooks, Newport Brayton, and a transient colored man, adults, and Dinah Hill, a child, also funeral expenses of said transient colored man,	166 88

Randolph, for support of Lydia Dace, adult,	36 50
Royalston, for support of Alice Clements, adult,	36 50
Rowley, for support of sundry paupers, viz : thirty-one adults, and nine children,	559 64
Russell, for support of Sally Harrington, Mary Newton, adults, Mary Hale, Nancy Hale, and Norman Sears, children,	138 70
Rowe, for support of Mary Johnson, adult, Mary Wilcox, Noah Wilcox, and Annis Car- penter, children,	56 70
Richmond, for support of Nancy Jessup, Susan Darling, Sarah R. H. Crettenten, Frederic Wicker, Ruth Vicker, Miriam McKee, adults, Mary Jane, Francis, and Adeline Darling, Adeline M. Hagar, Susan Darling, James, Clarissa, Almira, and Jane L. Wicker, Je- rusha, Henry, and Thomas Evarts, children,	484 30
Rochester, for support of Moses Wasgatt and Michael Shuhon, adults,	65 50
Reading, for support of Elizabeth McGreve, Martha Camren, Susan Hatch, adults, Al- fred McGreve, Benjamin Camren, children,	95 32
Roxbury, for support of sundry paupers, viz : thirty-eight adults, and eighteen children,	814 02
Shelburne, for support of Mary Bates, John Fowler, and Martha Fowler, adults,	74 30
Saugus, for support of Joseph Clarenbowe, Walter Clegg, and Samuel H. Shipley, adults,	32 30
Stoneham, for support of Chloe Freeman and Nancy Freeman, adults,	73 00
Stoughton, for support of Isaac Williams, adult,	36 50
Shirley, for support of William Shourer, Mary M'Kinzie, Jenny Mitchell, adults, Fanny, Charles, and Walter J. Mitchell, children,	139 60

Shutesbury, for support of John Vanaulter, Susanna, his wife, Sarah Phinmore, Welcome Still, adults, and Charles Phinmore, child, also, funeral expenses of said Sarah Phinmore,	97 00
Swanzy, for support of Martha Dousnips, Jude McCarter, Sally Crank, adults, and funeral expenses of said Martha Dousnips,	73 90
Seekonk, for support of Reuben Frost, Molly Bears, adults, and funeral expenses of said Molly Bears,	74 40
Spencer, for support of Susanna Cowland, Mercy Freeman, adults, Theophilus and Eleanor Freeman, children,	77 50
Sheffield, for support of Charlotte Turner, Sarah Turner, David Allen, Nancy Wright, adults, Caroline Kelly, Dennis Kelly, and Samuel Wright, children,	134 88
Sharon, for support of Edward and Betsy Ellis, adults,	73 00
Southampton, for support of John Cochrane and James Neigle, adults, and funeral expenses of said Neigle,	44 90
Somerset, for support of Polly Hill, and Ann McGiven, adults, Alice and Thomas McGiven, children,	116 80
Scituate, for support of Zelpha Whitcomb, Zelpha Scott, Thirza Freeman, adults, Olive, Elizabeth and Lemuel Freeman, children, also, an infant of Theresa Freeman,	162 20
Stockbridge, for support of Abraham Parmalee, Martha Dowd, Margery Curtis, Dorcas Webster, Dinah Elky, Cynthia Martin, adults, Thaddeus, Rosanna and Theodore Martin, children,	284 70

South Hadley, for support and funeral expenses of Daniel Mack,	7 40
Southbridge, for support of Albo Reynolds, adult,	36 50
Salisbury, for support of Lemuel Johnson, Charles Hilton, and Rosann Hilton, adults, and funeral expenses of said Lemuel Johnson,	14 50
Sturbridge, for support of Samuel Weldon, adult,	12 00
South Reading, for support of Felix Moan, Christopher Brown, Mary Brown, Thomas Rand, John Lawson and wife, Sally Wiley and David Blair, adults,	44 10
Sutton, for support of James Norbry, adult,	73 00
Shrewsbury, for support of Sarah Freeborn, Andrew Bin, and Mark Curran, adults, Eleanor Johnson, a child,	41 82
Sandwich, for support of Susanna Barney, Phillis Wing, and Drusilla Jackson, adults,	52 20
Springfield, for support of sundry paupers, viz: twenty-one adults and twenty children,	453 66
Sandisfield, for support of Theodore King, adult, and Elisha, William, Henry, and — King, Robert and Lydia Titus, and Benj. Whitney, children,	85 80
Salem, for support of sundry paupers,	1444 52
Taunton, for support of Stephen Shoemaker, Deborah Smith, Margaret Harrington, Betsy Lovejoy, Rebecca Smith, William Dowland, Ann Dowland, Joseph Lyon, Eleanor Ball, Moses Shute, Houlsworth Thompson, Elizabeth Curran, Mary Blake, adults, Hannah, Sarah, and Alexander Smith, Martin, Samuel, and George Dowland, children, an	

infant child of Mary Ann White, and funeral expenses of Houlsworth Thompson, and said infant child,	407 00
Topsfield, for support of Phillis Emerson, Anna Connell, Jane Richardson, William R. Jones, and Elizabeth M. Jones, adults,	41 80
Tyringham, for support of Richard Gardner, Asa Thompson, Mary Diskill, Pamela Filley, Eliza Hicks, Laura Cross, Jacob Van Deusen, Katy Van Deusen, adults, Joseph, Mary, Sarah, Benjamin and Melinda Ayres, and Hiram Bailey, children,	353 70
Tewksbury, for support of John Woods, Nicholas Welsh, Cyrus Williams, and John Watson, adults,	34 10
Troy, for support of Eliza Sharp, Sarah Lincoln, Lydia Morse, John Welsh, Eleanor Ball, Jona. Negus, Polly Davis, and John Chaise, adults, George, John, and Caroline Sharp, Betsy Ann Lincoln, John Morse, children,	144 80
Townsend, for support of Edward McBride, Samuel B. Jackson, adults, Henry S. Jackson, child,	55 32
Upton, for support of Mary Bryant, adult,	36 40
Uxbridge, for support of Mary Pratt, adult,	36 40
Windsor, for support of Rhoda Barnes, adult,	21 10
West Stockbridge, for support of Sally Barton, Lucy Lane, Ransom H. Briggs, Lucretia Bellamy, Jesse Poultney, Samuel Bell, Nathan W. Halsey, Franklin Green, adults, Henry W. Rogers, Jane and Lucretia Reed, children,	308 90
Worcester House of Correction, for support of sundry paupers,	82 20



Wilbraham, for support of John Ammidon, Joanna Ammidon, Alice Dodge, Mary Walker, Eunice Davis, Rodney Greenwood, and Robert Tufts, adults,	252 20
West Springfield, for support of John Green, Laura Chapin, Lois Shevoy, Volatine Worthy, James Graham, adults, Richard Benedict, Leander G. Watson, Leonard Freeman, John Benedict, children,	210 16
Westhampton, for support of Sylvia Miller, adult, and Filia Sherman, Robert Livingston, and Charles Peter Ellis, children,	104 10
Westfield, for support of sundry paupers, viz : twenty adults and six children,	418 60
Waltham, for support of James Buchanan and Robert Powers, adults,	39 30
Ward, for support of Sarah Wiser, adult,	36 50
Western, for support of Andrew Barrett, adult,	15 30
Worcester, for support of Jonas Brooks, Bryant Murphy, George Derby, Ivory Colomy, Eliza Erbee, Richard McConnell, Libeus Prince, William Reed, John Henneree, Anne Richardson, Patrick Newland, Nathan Fassett, Peter Furlough, Calvin Stowell, adults, Thomas, John, and Catharine Murphy, and Lyman Stowell, children, also funeral expenses of Bryan Murphy, Mrs. Riley, Armenia Brooks, and Nathan Fassett, said account being for two years,	356 60
Westborough, for support of Primus Titus, adult,	18 20
West Bridgewater, for support of Thomas Quindley and Redden Carr, adults,	75 00

Washington, for support of Hattsey Simmons, Henry Panton, Ruth Rigby, and John Thompson, adults,	137 90
Watertown, for support of Thomas McBride, George Hunter, Mary Hunter, William Mi- rick, Catharine McCoster, Timothy Khoe, William Leechman, Thomas Barker, Cath- arine Barker, William Rogers, Caroline Rogers, Nancy Williams, Phineas Brown, Ellen Leachman, John Thompson, William Precious, Michael McGerry, Mary McGerry, Patrick Berry, James Crump, adults, Thom- as, Patrick, and Margaret McCoster, Nancy, James, and Caroline Barker, children,	397 50
Williamsburg, for support of James Turner, adult, and Dotia Turner, child,	58 40
Wenham, for support of Sarah English, and Pompey Porter, adults,	52 30
Westport, for support of Darius Collins and Nathaniel Nottage, adults,	43 80
Williamstown, for support of John G. Hender- son, Lydia Barry, Rachel Galusha, Asahel Foot, Aurelia Foot, Maria Foot, Peggy Jackson, John Cosswell and wife, adults, Alanson, Ethan, and Abel Barry, Ann L. William, and Harriet Seymour, and Laura Foot, children,	409 10
Warwick, for support of Samuel and Molly Gunn, adults,	73 00
Whately, for support of Jesse Jewett, adult,	36 50
Walpole, for support of Sarah Sargent, and Agnes Gill, adults, and Sarah A. Sargent, child,	76 90
Woburn, for support of Ann Haskell, adult,	77 00

Weymouth, for support of Phillis Peach, Elizabeth Lawler, adults, William, Charles, Elizabeth, and Henry Lawler, children,	136 00
West Newbury, for support of Jonathan Stevens and Righteous Reeves, adults, and funeral expenses of said Reeves,	16 70
Wrentham, for support of Sylvia Pettis, Daniel Richardson, John Thornbury, Thomas Burns, John Broadrick, Edmund Llewelyn, adults,	62 20
Sheffel Weaver, guardian, for supplies to Troy Indians, to Feb. 1, 1834,	52 68
Ware, for support of Thomas Dennison, Jacob Jackson, adults, George W., and Horace Booth, Eliza Olney, Caroline Olney, and Henry Olney, children,	177 10
Yarmouth, for support of Black Let, adult,	36 50
Aggregate of Pauper Accounts,	<u>\$52,150 43</u>

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## MILITARY ACCOUNTS.

JANUARY SESSION, FOR THE YEAR 1834.

### *Aids de Camp.*

Aaron Davis Capen, to June 15, 1833,	11 45
William C. Tyler, to Jan. 1, 1834,	13 54
William S. Allen, to Jan. 1, 1834,	25 00
Micah M. Rutter, Jr. to Dec. 31, 1833,	25 00
Mason C. Darling, to Jan. 1, 1834,	19 63
Welcome Young, to March 23, 1833,	5 78
Joshua B. Tobey, to Jan. 1, 1834,	16 67

William Pratt, to Jan. 1, 1834,	35 75
Franklin Weston, to March 14, 1832,	5 14
John C. Hunt, to Jan. 1, 1834,	25 00
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	\$182 96

*Brigade Majors and Inspectors.*

Thomas Adams, Jr. to Jan. 1, 1834,	40 00
Emor S. Sayles, to June 17, 1833,	18 52
Amos H. Boyd, to Jan. 1, 1834,	21 65
William C. Tyler, to Jan. 1, 1834,	40 00
Jabez W. Barton, to Dec. 31, 1833,	40 00
M. P. Parish, to Jan. 1, 1834,	26 66
Samuel W. Stickney, to Sept. 1, 1833,	13 33
Wyman Richardson, to Jan. 1, 1834,	40 00
William M. Lathrop, to March 19, 1833,	8 74
Luther B. Bliss, to Jan. 1, 1834,	31 26
Hiram F. Stockbridge, to Jan. 1, 1834,	40 00
James R. Sproat, to June 8, 1833,	17 50
Horace Collamore, to Dec. 31, 1833,	20 00
George B. Atwood, to Sept. 15, 1833,	28 33
James H. Collins, to Jan. 1, 1834,	11 67
James H. Bodfish, to Dec. 31, 1833,	40 00
Linus Child, to Jan. 1, 1834,	40 00
Gideon Sibley, to Jan. 1, 1834,	80 00
Increase Sumner, to Jan. 1, 1834,	40 00
Albert G. Belden, to Jan. 1, 1834,	40 00
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	\$637 66

*Adjutants.*

E. M. Stone, to Jan. 1, 1834,	25 00
Appleton Howe, to Sept. 19, 1833,	42 91
Noah Vining, Jr. to Jan. 1, 1834,	7 33

Francis D. Holbrook, to March 1, 1833,	4 17
Oramell Tower, to Jan. 1, 1834,	20 83
Amos H. Boyd, to Sept. 17, 1833,	25 00
Sumner Crosby, to Jan. 1, 1834,	25 00
Francis R. Bigelow, to Jan. 1, 1834,	45 34
Calvin W. Haven, to Jan. 1, 1834,	25 00
Jabez Pratt, to Jan. 1, 1834,	15 00
Benj. S. Newhall, March 1, 1833,	35 42
Daniel W. Rogers, to Jan. 1, 1834,	25 00
Stephen Adams, Jr. to Sept. 18, 1833,	17 92
Caleb Cogswell, to Jan. 1, 1834,	35 42
William Brown, to Jan. 1, 1834,	25 00
Benjamin Dana, to Jan. 1, 1834,	25 00
William Tidd, to Jan. 1, 1834,	50 00
Abner W. Merriam, Dec. 31, 1833,	42 50
Albert P. Rockwood, to Jan. 1, 1834,	23 60
Josiah Clarke, to Jan. 1, 1834,	25 00
Horace Heard, to Jan. 1, 1834,	25 00
George W. Tarbell, to Jan. 1, 1834,	50 00
Henry I. Baxter, to Jan. 1, 1834,	25 00
John Curtis, to Jan. 1, 1834,	33 33
William L. Terrett, to Jan. 1, 1834,	25 00
Horace Lyman, to Jan. 1, 1834,	25 00
Samuel W. Squire, to Jan. 1, 1834,	25 00
Samuel W. Kirkland, to Feb. 12, 1833,	2 90
Samuel L. Hinckley, to Sept. 3, 1833,	10 62
John I. Graves, to Oct. 16, 1833,	19 86
Aretas Ferry, to Aug. 15, 1833,	15 62
William H. Andrews, to Jan. 1, 1834,	9 38
Charles Smead, to Jan. 1, 1834,	25 00
Marshall S. Mead, to Aug. 8, 1833,	40 09.
Thomas F. White, to Jan. 1, 1834,	25 00
Horace Collamore, to July 1, 1833,	12 50
Caleb W. Prouty, to Jan. 1, 1834,	11 46

Dyon Bryant, to Jan. 1, 1834,	25 00
William H. Cushman, to Jan. 1, 1834,	25 00
Henry Luther, to Jan. 1, 1834,	25 00
James H. Collins, to Sept. 15, 1833,	17 69
George Danforth, to Dec. 31, 1833,	25 00
John B. Newcomb, to Jan. 1, 1834,	25 00
John T. Lawton, to Jan. 1, 1834,	25 00
Charles C. Nye, to Jan. 1, 1834,	16 91
Joseph Hale, to Jan. 1, 1834,	23 79
Benjamin H. A. Collins, to Jan. 1, 1834,	20 83
Caleb C. Howe, to Jan. 1, 1834,	58 95
Amos W. Pitts, to May 7, 1833,	8 84
Ambrose Slooper, to Jan. 1, 1834,	16 16
Joseph Knox, to Jan. 1, 1834,	25 00
Elijah Sawyer, to Jan. 1, 1834,	25 00
Willard S. Wood, to Aug. 1, 1833,	14 58
Stephen W. Norcross, to Jan. 1, 1834,	9 44
Spencer Field, to July 31, 1833,	14 58
Reuel Lawrence, to Jan. 1, 1834,	25 00
Luke Beal, to Jan. 1, 1833,	25 00
Lucian Bryant, to Jan. 1, 1834,	17 07
Edmund H. Nichols, to Sept. 18, 1833,	10 75
Samuel Bacon, to Jan. 1, 1834,	25 00
Edson Sexton, to Jan. 1, 1834,	25 00
Rodney Hill, to Jan. 1, 1834,	15 00
T. M. Manchester, to Jan. 1, 1834,	33 32
Ambrose Nicholson, to Jan. 1, 1834,	25 00

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\$1,524 11

*For Hauling Artillery.*

Jonathan Packard,	1833,	9 25
John Webber,	"	18 00

Asa B. Ware,	1833,	12 00
John Hoppin,	"	20 00
Benjamin Brown, Jun.,	"	30 00
Henry Sargeant,	"	30 00
John Wilson,	"	20 00
William Haskell,	1832-3,	20 00
John K. Skinner,	1832,	10 00
William Russell,	1833,	10 00
Aaron Bateman,	1832,	9 00
Aaron Bateman,	1833,	10 00
Joshua P. Trask,	"	10 00
Thomas J. Bowler,	1832,	11 25
Thomas J. Bowler,	1833,	13 00
Benjamin Dennis,	1832,	10 00
Charles Wardwell,	1833,	21 50
Hiram Collins,	"	5 50
John Bradbury,	"	10 00
John W. Hayward,	"	24 00
Hiram Bridges,	1833,	10 00
John M. Robertson,	"	20 00
Phineas G. Prescott,	"	8 50
George Whipple,	"	6 25
Reuel Cooley,	1832-3,	13 75
Lyman Shaw, 2d,	1833,	8 25
Elisha Abbey,	"	10 00
Randall Dyer,	"	22 00
Thomas Mason, Jun.,	"	15 45
Noah Edwards,	1832,	5 00
Charles Phelps,	1833,	5 00
Orin Smith,	"	7 50
Eleazer S. Bartlett,	"	13 75
Spencer Vining,	"	8 33
William Thomas,	"	8 00
Leonard Wilmarth,	1832,	11 00

Almond Streeter,	1833,	14 00
Hiram Hunt,	"	15 00
William P. Ruggles,	"	7 50
Franklin Brigham,	1832—3	14 12
James O'Brien,	1833,	5 55
Granville Jones,	"	7 50
Samuel R. Crane,	"	10 62
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		\$550 57

## COURTS MARTIAL.

*Court Martial,*

Holden at New Bedford, February 26, 1833.

<i>Col.</i> James D. Thompson,	<i>President,</i>	21 00
<i>Col.</i> Sylvester Bourne,	<i>Member,</i>	18 70
<i>Lt. Col.</i> Oliver Eaton,	"	16 80
<i>Capt.</i> Phineas Burgess,	"	14 00
<i>Maj.</i> Timothy G. Coffin,	<i>Judge Advocate,</i>	28 00
<i>Lieut.</i> James H. Collins,	<i>Marshall,</i>	14 00
<i>Serg't.</i> E. Sherman,	<i>Orderly Serg't.,</i>	10 50
Henry Luther,	<i>Witness,</i>	3 26
George W. Bliss,	"	4 70
Seth S. Ballou,	"	4 54
Hiram Drown,	"	4 30
Samuel Jenks,	"	4 70
John B. Reed,	"	4 70
John H. Potter,	"	4 70
Nehemiah H. Potter,	"	4 70
Lyndall Bowen,	"	3 90
Timothy G. Coffin,	<i>Judge Advocate,</i>	
for sundries,		18 70
		<hr/>
		\$181 20



*Court Martial,*

Holden at Grove Hall, Roxbury, Feb. 17, 1834.

John F. Banister,	<i>President,</i>	15 40
Joseph Porter,	<i>Member,</i>	10 70
George H. Holbrook,	"	12 00
Josiah L. C. Amee,	"	10 40
Fisher A. Kingsbury,	"	2 80
Ivers J. Austin,	<i>Judge Advocate,</i>	20 40
Frederick W. Lincoln,	<i>Marshall,</i>	11 20
Eleazer Beal, Jr.	<i>Complainant,</i>	3 60
John S. Tyler,	<i>Witness,</i>	0 82
Edward W. Bradley,	"	1 24
Eleazer Beal, Jr.	"	2 38
O. Tower,	"	2 38
Lemuel Gay, Jr.	"	2 20
Henry Blanchard,	"	2 20
Joseph G. Thayer,	"	2 20
George W. May,	"	2 20
E. W. Bull,	<i>Sergeant,</i>	7 70

*Incidental Expenses.*

O. Tower, for service of charges and notice,	6 60
Thomas Howard, subpœna,	2 00
Enoch Bullard, "	2 00
C. A. Flagg, for use of hall, fuel, &c.	13 00
Ivers J. Austin, for stationary,	6 63

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 \$140 05

*For services rendered by special order of the Commander  
in Chief.*

Linus Child, March 27, 1833,	7 50
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Aggregate of Military Accounts,	<u>\$3224 05</u>
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**AGGREGATE OF ROLL NO. 108.**

Pauper Accounts,	\$52,150 43
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*Military Accounts.*

Aids de Camp,	182 96
Brigade Majors and Inspectors,	637 66
Adjutants,	1524 11
Hauling Artillery,	550 57
Courts Martial,	321 25
Services by special order,	7 50

Total,	<u>\$55,374 48</u>
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## Commonwealth of Massachusetts.

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In the Year of our Lord One Thousand Eight Hundred  
and Thirty-Four.

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### RESOLVE

*Authorizing the Payment of certain Pauper and Military  
Accounts.*

*Resolved*, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in the foregoing Roll, the sums set against their names respectively, amounting, in the whole, to the sum of fifty-five thousand three hundred and seventy-four dollars and forty-eight cents, the same being in full discharge of the accounts and demands to which they refer. And His Excellency the Governor is requested to draw his warrant accordingly.

IN SENATE, March 7, 1834.

Read, and passed. Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, March 8, 1834.

Passed in concurrence.

W. B. CALHOUN, *Speaker*.

March 8th, 1834.

JOHN DAVIS.

## Commonwealth of Massachusetts.

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TREASURY OFFICE, 2d mo. (Feb.) 27th, 1834,

The Treasurer having examined and adjusted the accounts presented to him, respectfully Reports :

That there is due to the several persons enumerated on the following Roll, the sums set against their names respectively, which when allowed and paid will be in full discharge of said accounts to the dates therein mentioned.

HEZEKIAH BARNARD, *Treasurer.*

*To the Senate, and*

*House of Representatives.*

## ROLL OF ACCOUNTS

*Audited by the Treasurer of the Commonwealth, and reported Feb. 27, 1834.*

### SHERIFFS.

Brown, Henry C., for returning votes, distributing blanks to overseers of the poor, &c., to December, 1833,	62 00
Crocker, David, for returning votes, distributing acts, blanks to overseers of the poor, &c., to November 22, 1833,	29 20
Folger, Peleg S., for returning votes, &c., to November 12, 1833,	34 00
Hayward, Nathan, for returning votes, distributing acts, blanks to overseers of the poor, &c., to November, 1833,	28 77
Lyman, Joseph, for returning votes, distributing acts, blanks to overseers of the poor, &c., to November 15, 1833,	45 70
Leonard, Horatio, for returning votes, distributing acts, blanks to overseers of the poor, &c., November 16, 1833,	27 10
Pease, Isaiah D., for returning votes, distributing acts, &c., to November, 1833,	26 50
Rice, Caleb, for returning votes, distributing acts, blanks to overseers of the poor, &c., to November, 1833,	39 70
Sprague, Joseph E., for returning votes, distributing acts, blanks to overseers of the poor, &c., to November 1833,	35 20
Varnum, Benjamin F., for returning votes, dis-	

tributing acts, blanks to overseers of the poor, &c., to December 4, 1833,	78 66
Willard, Calvin, for returning votes, distributing acts, blanks to overseers of the poor, &c., to February 21, 1834,	147 42
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	\$554 25

## CORONERS.

Bowen, Nathan, for the funeral expenses of a stranger, &c. to Sept. 2d, 1833,	7 00
Bourn, Thomas, for the funeral expenses of a stranger, &c. to February, 1833,	7 00
Cole, Timothy, for taking an inquisition, &c. to December 26, 1833,	11 90
Hinckley, E. M. for the funeral expenses of a stranger, &c. to September, 1833,	7 00
Jones, William, for taking an inquisition, &c. to January, 1833,	14 20
Kempton, Ephraim, for taking an inquisition, &c. to April, 1833,	13 88
Needham, Thomas, for taking an inquisition, &c. to August 5, 1833,	7 40
Shute, Ebenezer, for taking an inquisition, &c. to January 3, 1834,	49 00
Snow, Prince, for taking inquisitions, &c. to February 3, 1834,	28 64
Stowers, Joseph, for taking inquisitions, &c. to July 9, 1833,	26 19
Sumner, Thomas, for taking an inquisition, &c. to June 5, 1832,	13 61
Viall, Samuel, for taking an inquisition, &c. to June 15, 1831,	10 18

# PRINTERS.

701

Wade, William F. for the funeral expenses of a stranger, to February 2, 1833,	7 00
Woodward, James, for taking an inquisition, &c. to March 11, 1833,	8 39
	<hr/>
	\$211 39

# PRINTERS.

Adams and Hudson, for publishing laws, ad- vertising, &c. and for papers supplied to February 28, 1834,	395 53
Badger and Porter, for advertising, &c. and for papers to February 28, 1834,	284 19
Barrett, George C. for papers supplied to Feb- ruary 28, 1834,	146 11
Beals, Homer, and Co. for publishing laws, ad- vertising, &c. and for papers to February 28, 1834,	212 48
Boston Wesleyan Association, for papers sup- plied to February 28, 1834,	13 89
Bowles, Samuel, for publishing laws, adver- tising, &c. to November 2, 1833,	22 91
Briggs, Lewis, and Co. for publishing laws to May, 1833,	16 67
Buckingham, Joseph T. for advertising, &c. and for papers to February 28, 1834,	205 57
Colton, S. H. and Co. for advertising, &c. and publishing laws to May, 1833,	38 67
Congdon, Benjamin T. for publishing the laws of 1833,	16 66
Danforth, Allen, for advertising, &c. and pub- lishing laws to May, 1833,	18 17
Douglas, Charles, for papers supplied to Feb- ruary 28, 1834,	31 34

Dutton and Wentworth, for advertising, &c. and for papers to February 28, 1834,	25 94
Earl, Benjamin, for publishing the laws of 1833,	16 67
Eldredge, John B. for publishing the laws of 1833,	16 67
Farmer, Jedediah, for advertising, and for pub- lishing the laws of 1833,	28 67
Foote and Chisholm, for advertising, and for publishing the laws of 1833 in the Salem Gazette and in the Salem Mercury, to Oc- tober, 1833,	39 32
Ford and Damrell, for papers supplied to Feb- ruary 28, 1834,	113 93
Goodrich, I. Z. for publishing the laws of 1833,	16 66
Greene, Charles G. for papers supplied to February 28, 1834,	187 46
Greene, Samuel D. for papers supplied to March 28, 1833,	5 25
Grout, M. W. for advertising, and for publish- ing the laws of 1833,	36 17
Haek, C. A. for advertising, and for publish- ing the laws of 1833,	18 17
Hale, Nathan, for advertising, publishing laws, &c. and for papers to February 28, 1834,	332 03
Hallett, Benjamin F. for papers supplied to February 28, 1834,	259 69
Haughton, Richard, for advertising, and for papers to February 28, 1834,	83 61
Judd, Sylvester, for publishing the laws of 1833,	16 67
Lindsey, B. for advertising, and for publishing laws to May, 1833,	38 84



Masters and Marden, for advertising, and for papers to February 28, 1834,	33 62
Moore and Sevey, for papers supplied to February 28, 1834,	3 69
Nichols, William, for papers supplied to February 28, 1834,	21 12
Palfray, Warwick, Jr. for advertising, and for publishing laws of 1833,	34 66
Palfray and Cook, for advertising, and for publishing laws of 1833,	18 66
Phelps and Ingersoll, for publishing the laws of 1833,	16 67
Proprietors of the Investigator, for papers supplied to February 28, 1834,	13 77
Purdy, E. C. for advertising, and publishing the laws of 1833, in the Lowell Journal and Lowell Daily Journal,	45 32
Reed, David, for papers supplied to February 28, 1834,	23 54
Sherman, William N. for publishing the laws of 1833,	16 67
Stone, E. M. for papers supplied to March 28, 1833,	6 50
Thayer, A. W. for advertising, and for publishing the laws of 1833,	19 67
Tiffany, Edwin D. for publishing the laws of 1832,	16 67
Wheildon, W. W. for publishing the laws of 1833,	16 66
Willis, Nathaniel, for papers supplied to February 28, 1834,	39 72

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\$2964 88

## MISCELLANIES.

Adams and Hammond, for locksmith's work, &c. to January 29, 1834,	17 43
Allen and Ticknor, for parchment, paper, quills, &c. supplied the secretary and adju- tant general, to December 31, 1833,	33 21
Ballard and Prince, for green cloth and bind- ing, to November 23, 1833,	24 60
Blaney, Henry, for mason's work, &c. in and about the state house, to January 8, 1834,	95 49
Bradlee, Samuel, for hard-ware, &c. supplied for repairs, &c. on the state house, to Feb- ruary 12, 1834,	74 74
Burditt, James W. for stationary, &c. to Feb- ruary 17, 1834, viz:—	
For the Legislature,	595 28
“ Council and Secretary,	231 17
“ Land Office,	21 93
“ Library,	13 75
“ Adjutant General,	1 45
	<hr/> 863 58
Carter and Hendee, for paper, books, pens, &c. for the adjutant general, to December 24, 1833,	48 92
Goodrich, Isaac W. for paper supplied the council and secretary, to February 15, 1834,	48 88
Gore and Baker, for painting in the fire-proof rooms,	110 50
For painting book-cases, chairs, &c. to February 11, 1834,	71 20
	<hr/> 181 70

Hastings, Joseph S. for shades for chandelier fixtures in the senate chamber, February 3, 1834,	14 00
Jones, Lewis, for stove-pipes, repairing fun- nels, &c. to January 6, 1834,	21 13
Kuhn, Jacob, for balance of his account to February 20, 1834,	399 34
Learnard, William, for arranging and prepar- ing for removal to the fire-proof apartments, the papers in the adjutant general's office, and finishing the arrangement, indexing and removal of those in the secretary's and treasurer's offices, &c. to December 31, 1833,	542 75
Loring, Josiah, for stationary, book binding, &c. to February 10, 1834, viz :—	
For Council and Secretary,	91 62
“ Treasurer,	43 71
“ Adjutant General,	96 00
	231 33
Loring, James, for Massachusetts Registers, for the use of the council, &c. to January 27, 1834,	11 67
Snelling, Enoch H., for setting lights, cleaning windows, &c., to December 16, 1833,	128 12
Stimpson, H. H. & F. H., for one Nott stove, for adjutant general's office, January 6, 1834,	34 00
Wheeler, John H., for making book- cases, for cherry-tree wood, glazing, &c. for the fire-proof apartments Nos. 1 and 5, to September 17th 1833,	839 88
And for repairs, alterations, &c., in	

## AGGREGATE.

and about the State house, to February 17th, 1834,

552 19

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1,392 07

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\$4,162 96

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AGGREGATE.

Sheriffs,

554 25

Coroners,

211 39

Printers,

2,964 88

Miscellanies,

4,162 96

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\$7,893 48

IN SENATE, February 28, 1834.

Referred to the Committee on Accounts.

Sent down for concurrence.

CHARLES CALHOUN, *Clerk.*

HOUSE OF REPRESENTATIVES, March 1, 1834.

Concurred.

L. S. CUSHING, *Clerk.*

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**Commonwealth of Massachusetts.**

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The Committee on Accounts, to whom was committed the Treasurer's Roll of audited accounts, have examined the same, and report the subjoined Resolve for the payment thereof.

Per Order.

N. C. BROWNELL, *Chairman.*

*March 7, 1834.*

## Commonwealth of Massachusetts.

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In the Year of Our Lord One Thousand Eight Hundred  
and Thirty-Four.

---

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons named in the accompanying Roll, the sums set against their names respectively, amounting in the whole, to the sum of seven thousand eight hundred and ninety-three dollars and forty-eight cents, the same being in full discharge of all the accounts and demands to which they refer, and that a warrant be drawn therefor.

IN SENATE, March 7th, 1834.

Read and passed. Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, March 8, 1834.

Passed in concurrence.

W. B. CALHOUN, *Speaker*.

March 8th, 1834: Approved.

JOHN DAVIS.

## Commonwealth of Massachusetts.

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TREASURY OFFICE, 3d Mo. (March) 29th, 1834.

The Treasurer having, in compliance with an Order of the legislature of the 18th instant, examined and adjusted the accounts presented to him, asks leave to Report :—

That there is due to the several persons named on the annexed Roll, the sums set against their names respectively, which, when allowed and paid, will be in full discharge of said accounts to the dates therein mentioned.

Respectfully submitted.

HEZEKIAH BARNARD, *Treasurer.*

*To the Senate, and  
House of Representatives.*

## ROLL OF ACCOUNTS

*Audited by the Treasurer of the Commonwealth, and reported March 29th, 1834.*

### SHERIFFS AND CORONERS.

Nevers, John, for returning votes, distributing acts, blanks to overseers of the poor, &c., to November, 1833,	48 40
Bancroft, Timothy W., for taking an inquisition, &c. to November 26, 1832,	12 02
Snow, Prince, for taking inquisitions, &c. to March 15, 1834,	24 02
Upton, Stephen, for taking an inquisition, &c. to September 11, 1833,	7 73
	<hr/>
	\$92 17

### PRINTERS.

Adams and Hudson, for advertising, and for papers supplied to March 29, 1834,	127 38
Allen, William S., for advertising, and publishing the laws to August 1, 1833,	35 92
Allen, Phinehas and Son, for advertising, and publishing the laws to December 28, 1833,	19 17
Atwill, Winthrop, for publishing the laws of 1833,	16 66
Badger and Porter, for papers supplied to March 29th, 1834,	130 51
Barrett, George C., for papers supplied to March 21st, 1834,	55 38
Bazin, George W., for papers supplied to March 29th, 1834,	25 62



# PRINTERS.

711

Beals, Homer & Co., for papers supplied to March 29th, 1834,	64 81
Boston Westleyan Association, for papers supplied to March 28th, 1834,	3 65
Boston Daily Globe, for papers supplied to March 24th, 1833,	4 00
Boston Free Press Company, for advertising to November 22d, 1833,	3 00
Boston Republican, for papers supplied to March 29th, 1834,	6 75
Boston Investigator, for papers supplied to March 29th, 1834,	4 31
Buckingham, Joseph T., for advertising, and for papers to March 29th, 1834,	78 91
Buffum, J., for publishing laws, &c. and for papers to March 29, 1834,	27 66
Clapp, William W., for publishing laws, advertising, &c., and for papers to March 29th, 1834,	195 04
Clapp, D. Jun., for papers supplied to March 29th, 1834,	1 50
Douglass, Charles, for papers supplied to March 29th, 1834,	19 65
Drew, Benjamin, Jun., for publishing laws, and advertising to October 14, 1833,	18 16
Dutton and Wentworth, for papers supplied to March 29th, 1834,	6 74
Fish, Ebenezer, for publishing the laws of 1833,	16 67
Foote and Chisholm, for advertising, and for papers to March 29, 1834,	18 86
Ford and Damrell, for papers supplied to March 29th, 1834,	51 84
Garrison and Knapp, for papers supplied to March 29th, 1834,	72 75

Greene, Charles G., for papers supplied to March 29th, 1834,	109 77
Hale, Nathan, for papers supplied to March 29th, 1834,	108 50
Hallett, Benjamin F., for papers supplied to March 29th, 1834,	136 44
Harriman, Edwin, for advertising to January 13th, 1834,	2 00
Haughton, Richard, for papers supplied to March 29th, 1834,	27 51
Ives, M. and S. B., for publishing laws of 1832 and 1833, and for advertising to October 20th, 1833,	42 32
Lilly, Wait and Company, for papers supplied to March 24th, 1834,	2 62
Mann, Herman, for advertising and for publish- ing the laws of 1833,	26 66
Marsters & Marden, for papers supplied to March 29th, 1834,	20 37
Palfray, Warwick, Jun., for advertising, &c., to May 6th, 1833,	7 25
Reed, David, for papers supplied to March 29th, 1834,	14 71
Willis, Nathaniel, for papers supplied to March 29th, 1834,	21 81
	<hr/>
	\$1,524 90

MISCELLANIES.

Bacon, Henry, assistant messenger, to March 29th, 1834,	160 00
Burditt, James W., for stationary, supplied to March 19th, 1834, viz :	
For the Council and Secretary's office, 65 37	
"    Legislature, 167 65	
	<hr/> 233 02
Chase, Warren, assistant messenger, to March 29th, 1834,	160 00
Cutting, Elijah W., assistant messenger, to March 29th, 1834,	160 00
And for his son, as page to the Senate, 76 00	
	<hr/> 236 00
Pitts, Sarah, for her son as page to the House of Representatives, to March 29th, 1834,	76 00
Minott, John, keeper of Rainsford Island, his annual allowance for 1833, including wood,	104 44
Murphy, David, assistant messenger, to March 29th, 1834,	160 00
	<hr/>
	\$1,129 46

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AGGREGATE.

Sheriffs and Coroners,	92 17
Printers,	1,524 90
Miscellanies,	1,129 46
	<hr/>
	\$2,746 53

## **Commonwealth of Massachusetts.**

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IN SENATE, March 31, 1834.

The Committee on Accounts, to whom was committed the foregoing Roll of audited accounts, report the annexed Resolve.

N. C. BROWNELL, *Chairman.*

## Commonwealth of Massachusetts.

---

In the Year of our Lord One Thousand Eight Hundred  
and Thirty-Four.

---

### RESOLVE

*For the payment of Accounts audited by the Treasurer.*

*Resolved*, That there be allowed and paid out of the public treasury, to the several persons mentioned in the foregoing Roll, the sums set against such persons names respectively, amounting, in the whole, to the sum of two thousand seven hundred forty-six dollars and fifty-three cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn therefor.

IN SENATE, March 31, 1834.

Read and passed. Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, April 1, 1834.

Passed in concurrence.

W. B. CALHOUN, *Speaker*.

Approved, April 1st, 1834.

JOHN DAVIS.

*Adjutants Accounts, for 1833.—Second Roll.*

Hazen Ayres, to Jan. 1, 1834,	25 00
Thomas L. Marshall, to Jan. 1, 1833,	12 50
Jesse E. Dow, to Dec. 31, 1833,	25 00
David M. Moore, to Jan. 1, 1833,	25 00
Osmund L. Nelson, to July 18, 1833,	13 75
David M. Moore, to Jan. 1, 1834,	25 00
Marshall Underwood, to Jan. 14, 1833,	3 78

*Accounts for Hauling Artillery, 1833.—Second Roll.*

Benjamin Dennis, 1833,	20 00
Bowman W. Dennis, “	15 00

ADJUTANT GENERAL'S OFFICE, March 29, 1834.

I hereby certify, that I have examined the accounts referred to in the above Roll, and that they are correctly vouched and cast.

W. H. SUMNER, *Adj. Gen.*

## Commonwealth of Massachusetts.

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In the Year of our Lord One Thousand Eight Hundred  
and Thirty-Four.

---

### RESOLVE

*For the Payment of certain Military Accounts.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons named in the accompanying Roll, the sums set against their names respectively, amounting, in the whole, to one hundred and seventy dollars and three cents, the same being in full discharge of all the accounts and demands to which they refer, and that a warrant be drawn therefor.

IN SENATE, March 31, 1834.

Read and passed. Sent down for concurrence.

B. T. PICKMAN, *President*.

HOUSE OF REPRESENTATIVES, April 1, 1834.

Passed in concurrence.

W. B. CALHOUN, *Speaker*.

Approved, April 1st, 1834.

JOHN DAVIS.

## Commonwealth of Massachusetts.

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SECRETARY'S OFFICE, MAY 16, 1834.

I HEREBY CERTIFY, That I have compared the Resolves, Messages, and other Documents, printed in this pamphlet, with the Originals remaining in this office, and find the same to be correct.

EDWARD D. BANGS,

*Secretary of the Commonwealth.*



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FROM

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